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FIRST DAY

NOON SESSION

House Chamber, Olympia, Monday, January 10, 2000

CALL TO ORDER

The House was called to order at 12:00 p.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

Speaker Chopp called upon Speaker Ballard to preside.

The flag was escorted to the rostrum by the Washington State Patrol Color Guard. The National Anthem was sung by Katie Lease from Eastmont High School, Wenatchee. Speaker Ballard led the chamber in the Pledge of Alliance. Prayer was offered by Pastor Jim Harbor, Wenatchee Free Methodist Church, Wenatchee.

Pastor Harbor: Our Father, who dwells in heaven, holy, holy is your name. Today at the beginning of this legislative session, we look to you as the sovereign Lord and Creator of all things. And I thank you for these men and women who sacrificially and diligently serve the citizens of the state. May Your kingdom come, may Your will be done on earth and during this session and in our government as it is in heaven.

Give us this day our daily bread. Lord, please grant these representatives the daily strength, wisdom, courage, integrity and discernment to carry out the duties to which they've been entrusted. If they are afflicted, help them not to be crushed; if they are perplexed, help them not to despair; if they are persecuted, help them to understand they are not forsaken. In the midst of difficulty, help them not to lose heart. And forgive us our debts, as well also have forgiven our debtors. Lord, please grant this session an unusual amount of comradery and cooperation — that there would be an intense mutual respect and honor for one another whether in public or private. And do not lead us into temptation, but deliver us from evil. Father, protect and help these women and men to make decisions based upon the wisdom that is found in You. For thine is the kingdom, and the power and the glory forever and ever. In Jesus' wonderful name, Amen.

Speaker Ballard introduced Mariachi Huenachi from the Wenatchee School District who performed for the Chamber.

RESIGNATION OF REPRESENTATIVE KAREN SCHMIDT

October 19, 1999

The Honorable Gary Locke
Governor
State of Washington
Olympia WA 98504

Dear Governor Locke:

I have had the privilege of representing the citizens of the 23rd district in Kitsap County as their State Representative for nearly 19 years. It has been a wonderful experience and I am deeply honored that they have had the confidence in me to return me to Olympia to represent them 10 times.

I have recently been offered the opportunity to work for the Freight Mobility Strategic Investment Board as their Executive Director. On Friday October 15th, I accepted the position, understanding that I would have to vacate my seat as a State Representative.

This letter is my official notification to you that I will resign my seat at midnight on November 7, 1999. I will begin my new position on November 8, 1999.

Thank you for the courtesies you have extended to me over the years. I look forward to working with you on implementing the goals of the Freight Mobility Bill you sponsored.

Cordially,

Karen Schmidt
State Representative
23rd District
Position 2

RESOLUTION NO. 223-1999

Making an appointment to fill a vacancy in the Washington
State House of Representatives for the 23rd District

WHEREAS, Karen Schmidt, the incumbent representative for the 23rd District, has advised Governor Locke that she will resign her position effective November 7, 1999; and

WHEREAS, the Washington Constitution provides that when a vacancy occurs in either house of the Legislature, it shall be filled by appointment by the Board of County Commissioners of the county in which the vacancy occurs, and that the person appointed be from the same legislative district and the same political party as the legislator whose office has been vacated, and shall be one of three persons nominated by the county central committee of that party; and

WHEREAS, on November 20, the Kitsap County Republican Central Committee submitted three (3) names to the Board of County Commissioners from which to make an appointment to fill the vacancy created by Representative Schmidt's resignation;

NOW, THEREFORE, BE IT RESOLVED, THAT THE BOARD OF COUNTY COMMISSIONERS appoints **Beverly Woods** to fill the vacancy created by the resignation of State Representative Karen Schmidt, effective November 29, 1999, until her successor is elected at the next general election.

DATED this 29th day of November, 1999.

KITSAP COUNTY BOARD OF COMMISSIONERS

Charlotte Garrdio, Chair
Tim Botkin, Commissioner
Chris Endresen, Commissioner

ATTEST: Holly Anderson, Clerk of the Board

SWEARING IN CEREMONY

At 12:45 p.m. on Thursday, December 2, 1999, in the presence of witnesses, Chief Justice Richard Guy swore Beverly Woods in as State Representative from the 23rd Legislative District, Position 2.

CERTIFICATE OF OFFICE

Speaker Ballard appointed Representatives Skinner and Mulliken to escort Representative Woods to the Rostrum. Secretary of State Ralph Munro presented Representative Woods with her Certificate of Office.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4712, by Representatives Lisk and Kessler

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

Representative Lisk moved adoption of the resolution.

House Resolution No. 2000-4712 was adopted.

Speaker Ballard appointed Representatives McDonald, Fortunato, Reardon and Veloria to notify the Senate that the House was organized and ready to do business.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speakers of the House of Representative
The Legislature of the State of Washington
Olympia, Washington

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29.62.130, I have canvassed the returns of the 1,790,518 votes cast by the 3,099,553 registered voters of the state for and against the initiatives, constitutional amendments and joint-legislative offices which were submitted to the vote of the people at the state general election held on the 2nd day of November, 1999, as received from the County Auditors.

Initiative to the People 695

"Shall voter approval be required for any tax increase, license tab fees be \$30 per year for motor vehicles, and existing vehicle taxes be repealed?"

YES	992,715
NO	775,054

Initiative to the People 696

"Shall commercial net, troll, and trawl fishing be prohibited in Washington state fresh and marine waters, except tribal fisheries conducted under a valid treaty right?"

YES 682,380
NO 1,044,872

Senate Joint Resolution 8206

"Shall the constitution be amended to permit the state to guarantee payment of voter-approved general obligation debt of school districts, as authorized by law?"

YES 984,122
NO 648,262

Substitute Senate Joint Resolution 8208

"Shall the state constitution be amended to permit the Emergency Reserve Fund to be invested as the legislature may authorize by law?"

YES 798,756
NO 829,637

State Senator, 9th Legislative District
(1 Year Unexpired Term)

John Gearhart (DEM) 9,413
Larry Sheahan (REPRESENTATIVE) 19,326

State Representative, 9th Legislative District, Position 1

Mike Connelly (DEM) 12,216
Don Cox (REPRESENTATIVE) 17,441

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 2nd day of December, 1999.

Donald F. Whiting, Assistant Secretary of State

OATH OF OFFICE

Speaker Ballard requested Representatives Schoesler and Lisk escort Representative Don Cox to the Rostrum. Chief Supreme Justice Guy administered the Oath of Office to Representative Cox. Secretary of State presented Representative Cox with his Certificate of Office. Speaker Ballard introduced Representative Cox to the Chamber.

MESSAGES FROM THE SENATE

Mr. Speaker: January 10, 2000

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8419, and the same is herewith transmitted.

Tony M. Cook, Secretary

January 10, 2000

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8420, and the same is herewith transmitted.

Tony M. Cook, Secretary

January 10, 2000

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8421, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Senate Concurrent Resolution No. 8419 was advanced to second reading and read the second time in full.

Senate Concurrent Resolution No. 8419 was adopted.

There being no objection, the rules were suspended and Senate Concurrent Resolution No. 8420 was advanced to second reading and read the second time in full.

There being no objection, Senate Concurrent Resolution No. 8420 was adopted.

There being no objection, the rules were suspended and Senate Concurrent Resolution No. 8421 was advanced to second reading and read the second time in full.

There being no objection, Senate Concurrent Resolution No. 8421 was adopted.

SENATE DELEGATION

The Sergeant at Arms escorted the Senate delegation to the Rostrum. Senators Costa, Hale, Gardner and Honeyford reported the Senate was organized and ready for business.

Speaker Ballard appointed Representatives Morris and Radcliff to join the Senate delegates and to notify the Governor that the Legislature was organized and ready for business.

HOUSE DELEGATION

The Sergeant at Arms escorted the House delegation returning from the Senate to the Rostrum. Representatives Veloria, Fortunato, McDonald and Reardon reported the Senate was ready.

REMARKS BY SPEAKER BALLARD

Co-Speaker Chopp, Members of the Legislature:

It's nice to see everyone's smiling faces again and I'm delighted you survived Y2K.

The first day of the legislative session is a special time. You can always tell when the Legislature's in town. There's an air of excitement. You can feel it. You can feel it in here today. Excitement in seeing old friends again. Excitement in anticipating the decisions and debates we will have before us. And excitement in the privilege and honor of being a state representative.

This year, the level of excitement and the opportunity we have before us is unmatched in the history of this state. We have an opportunity to positively impact people's lives. An opportunity to restore the public's trust in government. And an opportunity to change the way government does business.

It's no secret Initiative 695 will dominate many of the discussions we will have this session. And how we address its impacts will truly show our abilities as legislators and as leaders. Are we going to answer the call or will it be business as usual?

The public will be watching and I need to tell you, if we don't fundamentally change the way government does business and reestablish the public's trust in us, I-695 will only be the start. I don't view that as a threat, but as a reality.

Recently, I've heard comments about the initiative process and that maybe it's outlived its purpose, it's being used too often or the process should be changed. I don't think so. The initiative process is key part of the very fabric of our state. And when you start taking away the public's voice to government, I believe you're going down a very dangerous path.

The solution is very simple, really. Instead of criticizing the initiative process, we need to start paying attention to what people are saying. If we listen to the public and respond to their concerns, we don't have to worry about initiatives.

As I've said before, Initiative 695 is a tremendous opportunity. As we enter a new millennium and begin a new legislative session, we need to create a new government. A new government which is responsive, accessible and delivers essential services to citizens as efficiently and cost-effectively as possible.

I would like to briefly share with you some personal thoughts about the role of government.

I believe the role of government is to serve the people, to help them be successful and recognize their dreams....and to protect them. The good news is there are many serving in government today who do an outstanding job. One example is Fred Kiga, the director of the Department of Revenue. Now, he doesn't always give me the answer I would like, but he is a problem solver, he is fair, he is trustworthy and most of all, he treats people with respect.

On the other hand, there are those who believe government is the one really in charge — the real policy maker. Unfortunately, their attitude suggests the public exists to serve government and that government really knows what is best.

That attitude cannot be allowed....because it is that attitude which eventually causes the public to say, "Enough. No more."

We — you and I — the ones elected by the citizens, must not allow this attitude. Remember, all of us are here to respect and serve the public.

In order to change this attitude and create a new government, I believe it's important to fully understand what the public was saying when they passed I-695.

Was the public saying transportation and public safety weren't important to them?
No.

Was the public saying they just don't like the MVET, but want new taxes to be passed instead?
No.

Was the public saying we should spend the reserves on new programs and services?
No. In fact, I believe, just the opposite.

I don't believe this election was about \$30 car tabs — though that certainly was part of it — but instead it was a clear message that the public is tired of government's relentless appetite for increased taxes and unchecked spending. They want change.

Please answer these questions for me:

- Why does it cost 30 percent more to construct a new building on the campus of one of our state's major universities than it does if that same building was put up off-campus?
- How is it for the price of constructing nine schools in other states, we are only able to build eight?
- How can we realize a 40 percent reduction in welfare caseloads only to see, not only no reductions in staffing, but reports calling for an increase?
- Why do some agencies only deal with a crisis after the fact? How much money have we spent on the OK Boys Ranch fiasco? How many other Linda David's are out there? Why do we have felons — being paid with state money — babysitting some of our children?
- Why is it we are the only state in the nation with a law so broad and impenetrable, that we are actually prohibited from competitive bidding and contracting out?
- Why is it every time someone suggests streamlining or making fundamental changes in the way government does business — and truly helping working families — dire predictions of government throwing helpless seniors and uneducated children out into the street immediately follow?

Remember, cutting costs is not the same as cutting services. In the real world, people are having to do more with less. But in government, spending more always seems to be the answer to the problem.

I welcome the opportunity we have before us...to work in a bipartisan manner, to prioritize government services by funding transportation and public safety, and to create a new government which treats people with respect, responds to their concerns and protects them.

Again, the public will be watching. They have spoken. Now, it's our turn.

REMARKS BY SPEAKER CHOPP

I'd like to join Clyde in welcoming you back to the House.

We've got a lot of work to do in 60 days. To meet this challenge and to seize the opportunity, we must find common ground. We must focus on what unifies us rather than what divides us. And we must listen to the people.

This past fall, Democrats in this House met with people at Town Hall Meetings across the state. We didn't go to talk. We went to listen. We made sure we got the people's message, by going out to the people to get it. The agenda Democrats are bringing to this House is our response to what we heard.

We heard that people want us to honor their will on 695 with no tricks, no evasions, and no gimmicks. One of the first things we must do is close the biggest loophole in I-695: we will not let the property tax on vehicles be reimposed.

We heard that people want government to be efficient and effective. People want better value for their tax dollars, but without giving up our values on everything else. They don't want us to pit rural

Washington against urban and suburban communities. They don't want us squandering our environment or spoiling our economic vitality. They want us to work together for one Washington.

At our town hall meeting in Vancouver, a teacher stood up and said: "We need to get as good at figuring out what we do want government to do, as we are at figuring out what we don't want government to do."

That teacher was right. Carping is not enough. Complaints are not solutions. People still want the best schools for our kids --- safer schools --- schools led by outstanding principals and quality teachers who inspire high achievement from our students. Education is still our Number One priority and education reform still demands our constant attention.

Across the state, we heard there is a coming teacher shortage and that 50% of our school principals will retire over the next 5 years. We heard descriptions of crowded, obsolete classrooms and we were reminded that the state used to cover 70% of school construction costs but now only covers 33%.

These challenges requires common sense solutions.

People still want their families to be secure. At our Puyallup meeting, a mayor of a growing mid-sized town said that, in the last 3 years his town's cost of prosecuting and housing criminals shot up 443 percent, because of laws we passed. But now, his town stands to lose 350 thousand dollars due to I-695. He wanted to know what we are going to do about it.

We will respond. We can't let his town --- or any town --- be stranded without the ability to make their community safe.

In Federal Way and Bothell, Walla Walla and Spokane, we also heard deep concerns about transportation. People understand that transportation can be the road --- or the roadblock --- to the long-term prosperity we want for Washington. For many, this is a deeply personal concern. In Bremerton, I remember a young man with cerebral palsy who struggled to speak from his wheelchair. It was physically hard for him to make himself heard, but his message was crystal clear. He said his job, his mobility, his quality of life, depends on public transit --- but now the transit he needs is under the axe. This courageous man was followed by others who said their jobs and their families' economic security depend on ferry runs that could soon disappear.

These folks can't wait for a report from a blue ribbon commission. They need transportation solutions now. And they expect us to take on that responsibility in the next 60 days.

We heard from people worried about potential cuts in public health services that would reduce e-coli inspections and immunizations, and could slow early identification, when there are outbreaks of serious diseases. Is this concern justified? Of course it is. The people expect us to find common ground on this issue. Why? Because people's lives are at stake. Our public health doesn't have to suffer. We have a solution to offer, and together we can make it work.

Across the state, we heard from owners of small businesses and executives of large industries, who are concerned about unemployment insurance taxes. At the same time, we heard from machinists and timber workers laid off from industries that are cutting back. We must not play these people against each other. We can find common ground. There are thousands of aerospace workers being laid off while other technology companies have 10,000 job openings going unfilled.

Let's put 2 and 2 together. We can create a win-win solution: tax savings for all businesses --- and training for workers to meet the job demands of the new economy.

When I think of the challenges ahead, 60 days seems like a short time for all the work we have to do. And it is a short time. But we can do the work we have been sent here to do if we work together. We can put together a budget that meets short-term needs without short-cutting our long-term goals. Last session, we made a great start, by passing a budget with the lowest growth in state spending and the best budget for education in 20 years.

And in the scramble to respond to last year's initiative 695, let's not turn our backs on the new century. We can get rid of 19th century bureaucratic rules and make state government more effective and efficient. We can do that by enacting Civil Service Reform that includes flexibility for contracting out services and involves front-line workers in making services better.

And let's do it without pitting state employees against state taxpayers. We can provide property tax relief for those who need it the most. People must not be taxed out of their homes. We can make individual health insurance available for more people without selling out the sick or the injured --- the very folks that insurance is there to serve. And we can pass a real Patient Bill of Rights, giving people the power to make it real. No, 60 days isn't long. But it's long enough to get a good start to a new century. It's long enough to do the work we were sent here to do.

So let's get to work.

Thank you so very much.

HOUSE DELEGATION

The Sergeant at Arms escorted the House delegation to the Rostrum. Representatives Radcliff and Morris reported the Governor had been notified the Legislature was organized and ready for business.

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

INTRODUCTIONS AND FIRST READING

HB 2309 by Representatives Thomas, Fortunato, Dunn, Lisk, Edmonds, Ruderman, Schoesler, Kagi, Dickerson, Kessler, Carlson, Linville, Alexander, Hurst, G. Chandler, Sump, Lantz, Campbell, Mulliken, Benson, Barlean, Talcott, McDonald, Parlette, Lambert, Schindler, D. Schmidt, Bush, Pennington, Huff, Carrell, Clements, D. Sommers, Esser and Skinner

AN ACT Relating to the reinstatement of the exemption from property tax for motor vehicles, travel trailers, and campers eliminated by Initiative 695; adding a new section to chapter 84.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 2310 by Representatives Hatfield, Benson, Anderson, Barlean and Esser

AN ACT Relating to the insurance commissioner; amending RCW 43.01.010, 48.02.010, 43.17.020, and 42.17.2401; reenacting and amending RCW 43.17.010; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 2311 by Representatives Haigh, Van Luven, Lovick, Voloria, Tokuda, Rockefeller, Dickerson, Skinner, Kagi, Fortunato, Miloscia, Keiser, Lantz, Eickmeyer, Wood, Gombosky, Anderson, O'Brien, Cody, Kenney, Santos, Edwards, Conway and D. Sommers

AN ACT Relating to creating the office of assisted housing ombudsman; and adding a new chapter to Title 43 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 2312 by Representative Dunn

AN ACT Relating to the disposal of state parks and recreation commission land near Washougal, Washington; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 2313 by Representatives Dunn, Ogden, Carlson, O'Brien and Edwards

AN ACT Relating to the cleanup of hazardous waste; adding a new section to chapter 70.105D RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2314 by Representatives Ogden, Dunn, Carlson, O'Brien, Romero, Edwards and D. Sommers

AN ACT Relating to downtown and neighborhood commercial district revitalization; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HB 2315 by Representatives Dunn, Ogden, Carlson, Edwards and D. Sommers

AN ACT Relating to community revitalization; amending RCW 82.14.050 and 35.80.030; adding a new section to chapter 35.80 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 2316 by Representatives Dunn, Ogden, Carlson, Edwards and D. Sommers

AN ACT Relating to clarifying the authority of the community economic revitalization board to make loans and grants to political subdivisions for public facilities; and amending RCW 43.160.060.

Referred to Committee on Economic Development, Housing & Trade.

HB 2317 by Representatives Dunn, Schoesler and Koster

AN ACT Relating to eliminating the requirement that a portion of capital expenditures be set aside for art work; amending RCW 43.46.090 and 43.46.095; and repealing RCW 28A.335.210, 28B.10.025, 28B.10.027, 43.17.200, 43.17.205, 43.17.210, and 43.19.455.

Referred to Committee on Capital Budget.

HB 2318 by Representatives Dunn, Ogden, Carlson, Santos and Kenney

AN ACT Relating to minority and women's business enterprises; amending RCW 43.86A.030, 43.86A.060, and 43.63A.690; adding a new section to chapter 39.19 RCW; and repealing RCW 43.131.381 and 43.131.382.

Referred to Committee on Economic Development, Housing & Trade.

HB 2319 by Representative Dunn

AN ACT Relating to interest earnings on sales and use taxes; amending RCW 82.08.050; adding new sections to chapter 82.08 RCW; and adding new sections to chapter 43.63A RCW.

Referred to Committee on Appropriations.

HB 2320 by Representatives Lantz, Esser, Constantine, Hurst and Ruderman

AN ACT Relating to the authorization and application of electronic notice and electronic proxies to the nonprofit miscellaneous and mutual corporations act; and amending RCW 24.06.005, 24.06.095, 24.06.105, 24.06.110, 24.06.115, 24.06.190, 24.06.195, 24.06.220, 24.06.225, 24.06.240, 24.06.250, 24.06.260, 24.06.270, and 24.06.275.

Referred to Committee on Judiciary.

HB 2321 by Representatives Esser, Lantz, Constantine, Hurst, Ruderman and D. Sommers

AN ACT Relating to the transmission of proxy appointments by electronic or other nonwritten means as applied to the Washington business corporation act; and amending RCW 23B.01.400, 23B.07.220, and 23B.07.240.

Referred to Committee on Judiciary.

HB 2322 by Representatives Esser, Lantz, Constantine, Carlson and Hurst

AN ACT Relating to partnerships and limited liability companies; amending RCW 25.15.005, 25.15.130, 25.15.270, 25.10.080, 25.10.220, 25.10.230, 25.10.440, 25.10.660, 25.05.050, and 25.05.225; and adding a new section to chapter 25.15 RCW.

Referred to Committee on Judiciary.

HB 2323 by Representatives Thomas, DeBolt and Carrell

AN ACT Relating to sales tax exemptions and refunds for nonresidents; amending RCW 82.08.0273; and providing an effective date.

Referred to Committee on Finance.

HB 2324 by Representatives Boldt, Mielke, Schindler, Sump, Schoesler, Mulliken and D. Sommers

AN ACT Relating to prevailing wages on public works laws; amending RCW 39.04.010 and 39.12.020; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2325 by Representatives Clements, Veloria, Alexander, Kenney, Conway, O'Brien and Edwards;
by request of Washington State Lottery

AN ACT Relating to lottery support of funding for baseball stadium construction; and amending RCW 67.70.042.

Referred to Committee on Commerce & Labor.

HB 2326 by Representatives Murray and Mitchell; by request of Public Works Board

AN ACT Relating to the budget authority of the public works board, expenditures from the public works assistance account, and clarifying capital facility planning requirements; amending RCW 43.155.020, 43.155.065, 43.155.068, and 43.155.070; and reenacting and amending RCW 43.155.050.

Referred to Committee on Capital Budget.

HB 2327 by Representatives Barlean and Anderson

AN ACT Relating to management of state-owned aquatic lands; amending RCW 79.90.465, 79.90.520, and 79.93.040; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Natural Resources.

HB 2328 by Representatives Lantz, Constantine, Ogden, Edmonds, Stensen, Regala, O'Brien, Kagi, Dickerson, Cody, Keiser, Kessler, Schual-Berke, Hurst, Santos and Kenney

AN ACT Relating to fees for filing a petition for unlawful harassment; and amending RCW 36.18.020.

Referred to Committee on Judiciary.

HB 2329 by Representatives McDonald, Lantz and Constantine

AN ACT Relating to judgment descriptions; and amending RCW 4.64.030.

Referred to Committee on Judiciary.

HB 2330 by Representatives McMorris and Scott

AN ACT Relating to disbursements from the liquor revolving fund; and reenacting and amending RCW 66.08.180.

Referred to Committee on Appropriations.

HB 2331 by Representatives Campbell, Schual-Berke, H. Sommers, Linville, Doumit, Cody, Wolfe, Conway, Quall, Eickmeyer, Morris, Gombosky, Ruderman, Edmonds, Poulsen, Dunshee, Fisher, Scott, Regala, McIntire, Kastama, Kessler, Wood, Lantz, Ogden, Santos, Edwards, O'Brien, Romero, Stensen, Cooper, Reardon, Tokuda, Veloria, Rockefeller, Lovick, Kenney, Kagi, Haigh, Miloscia, Anderson, Constantine, Dickerson, Keiser, Hurst, Murray, McDonald and D. Sommers

AN ACT Relating to health care patient protection; amending RCW 51.04.020 and 74.09.050; adding new sections to chapter 48.43 RCW; adding a new section to chapter 43.70

RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 7.70 RCW; creating new sections; repealing RCW 48.43.075, 48.43.095, and 48.43.105; and providing an effective date.

Referred to Committee on Health Care.

HB 2332 by Representatives Schual-Berke, Edmonds, Dickerson, Keiser, Carlson, Hurst, Lantz and Stensen

AN ACT Relating to associated student body fund-raising activities; amending RCW 28A.325.030; and creating a new section.

Referred to Committee on Education.

HB 2333 by Representatives Schual-Berke, Dickerson, Carlson, Hurst and D. Sommers

AN ACT Relating to rights and duties of bicyclists; amending RCW 46.61.235, 46.61.261, and 46.61.755; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 2334 by Representatives Gombosky, DeBolt and Poulsen

AN ACT Relating to the definition of net metering system; and amending RCW 80.60.010.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2335 by Representatives Campbell, Miloscia and Anderson

AN ACT Relating to banning certain campaign expenditures; amending RCW 42.17.640; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 2336 by Representatives Rockefeller, Fortunato, Buck, Conway, Morris, Ogden, Lovick, Haigh, Edmonds, Anderson, Ruderman, Stensen, Regala, O'Brien, Schoesler, Wolfe, Kenney, Dunshee, Kagi, Dickerson, Cody, Keiser, Kessler, Carlson, Linville, Wood, Schual-Berke, Alexander, Hurst, Santos, Lantz, Talcott, D. Schmidt, Pennington, Carrell and Dunn; by request of Governor Locke

AN ACT Relating to the reinstatement of the exemption from property tax for motor vehicles, travel trailers, and campers eliminated by Initiative 695; adding a new section to chapter 84.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 2337 by Representatives Ballasiotes, O'Brien, Cairnes, Kagi, B. Chandler, Lovick, Delvin, Carlson and Conway

AN ACT Relating to a state-wide jail booking and reporting system; adding new sections to chapter 36.28A RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 2338 by Representatives Alexander, Regala, Haigh, Ruderman and Parlette; by request of Parks and Recreation Commission

AN ACT Relating to disposal of real property; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on Natural Resources.

HB 2339 by Representatives O'Brien, Ballasiotes and Hurst; by request of Sentencing Guidelines Commission

AN ACT Relating to violation of foreign protection orders; reenacting and amending RCW 9.94A.320 and 9.94A.440; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2340 by Representatives O'Brien, Ballasiotes, Carlson, Hurst and Talcott; by request of Sentencing Guidelines Commission

AN ACT Relating to the termination of offenders from the special drug offender sentencing alternative; and reenacting and amending RCW 9.94A.120.

Referred to Committee on Criminal Justice & Corrections.

HB 2341 by Representatives O'Brien, Ballasiotes, Hurst and Kenney; by request of Sentencing Guidelines Commission

AN ACT Relating to community custody ranges; reenacting and amending RCW 9.94A.120; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2342 by Representatives Wensman, Ruderman, Thomas, Linville, Hurst, Conway, Parlette, Huff and Esser

AN ACT Relating to the compilation of all taxes and fees the state is authorized to levy; and amending RCW 43.41.110.

Referred to Committee on Finance.

HB 2343 by Representatives Hatfield, Benson and Esser

AN ACT Relating to the redemption of vehicles through credit cards and checks drawn on financial institutions; and reenacting and amending RCW 46.55.120.

Referred to Committee on Financial Institutions & Insurance.

HB 2344 by Representatives Huff, McIntire, Linville, Alexander, Kenney and Parlette; by request of Caseload Forecast Council

AN ACT Relating to community corrections caseload forecasting; amending RCW 43.88C.010; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HCR 4424 by Representatives Kessler and Lisk

Resolving to meet in Joint Session for the purpose of receiving the State of the State message.

There being no objection, the rules were suspended and House Concurrent Resolution No. 4424 was advanced to second reading and read the second time in full.

There being no objection, the rules were suspended and House Concurrent Resolution No. 4424 was advanced to three reading and adopted.

MOTION

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

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

STANDING COMMITTEE CHANGES

Speaker Ballard announced the following changes to the following standing committees:

Appropriations: Representative Barlean replaced Representative Alexander as Republican Vice-chair; Representative Sump replaced Representative Carlson.

Capital Budget: Representative Alexander appointed Co-chair; Representative Woods replaced Representative Mitchell.

Education: Representative Thomas replaced Representative Sump.

Health Care: Representative Pennington replaced Representative Boldt.

Transportation: Representative Mitchell appointed Co-chair; Representative Woods appointed.

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., Tuesday, January 11, 2000, the second Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIRST DAY, JANUARY 10, 2000

JOURNAL OF THE HOUSE

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

SECOND DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, January 11, 2000

The House was called to order at 9:55 a.m. by Speaker Pro Tempore Pennington.

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

MESSAGE FROM THE SENATE

January 10, 2000

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4424, and the same is herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTIONS AND FIRST READING

HB 2345 by Representatives O'Brien, Ballasiotes, Ruderman, Hurst and Lovick; by request of Department of Social and Health Services

AN ACT Relating to rule-making authority for the special commitment center; and adding a new section to chapter 71.09 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2346 by Representatives Clements, Conway, Kenney and Hurst; by request of Lieutenant Governor, Department of Labor & Industries and Department of Social and Health Services

AN ACT Relating to industrial insurance premiums for employers with drug-free workplace programs; amending RCW 49.82.901; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2347 by Representatives Thomas and Van Luven

AN ACT Relating to extending to Indian housing authorities the exemption from state and local tax currently applicable to other housing authorities; amending RCW 35.82.210; creating a new section; and providing an effective date.

Referred to Committee on Economic Development, Housing & Trade.

HB 2348 by Representatives G. Chandler and Linville; by request of Conservation Commission

AN ACT Relating to conservation districts; amending RCW 89.08.210; and adding a new section to chapter 89.08 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2349 by Representatives Sullivan, O'Brien, McDonald, Kastama, Carrell, Miloscia, Lantz, Kenney, Edmonds, Clements, Wolfe, Conway, Hurst, Kessler and Santos

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

Referred to Committee on Financial Institutions & Insurance.

HB 2350 by Representatives Sullivan, O'Brien, Miloscia, D. Sommers, Conway and Ogden

AN ACT Relating to health insurance for individuals and families; amending RCW 48.14.0201; adding new sections to chapter 70.47 RCW; adding a new section to chapter 48.14 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

HB 2351 by Representatives Sullivan, Kastama, Reardon, O'Brien, Miloscia, Lantz, Edmonds, Conway and Ruderman

AN ACT Relating to the use of credit reports by insurers; adding a new section to chapter 48.05 RCW; adding a new section to chapter 48.03 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2352 by Representatives Sullivan, Conway and Kessler

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

Referred to Committee on Commerce & Labor.

HB 2353 by Representatives Wood, Carrell and Hurst; by request of Gambling Commission

AN ACT Relating to the dissemination of criminal history records to the Washington state gambling commission; and amending RCW 9.46.210.

Referred to Committee on Judiciary.

HB 2354 by Representatives McDonald, Ruderman, Carrell, Mielke, Sullivan and Conway

AN ACT Relating to driving or physical control of a vehicle while under the influence of intoxicating liquor or any drug; amending RCW 9.94A.185, 9.94A.230, 46.20.720, 46.61.502, 46.61.504, and 46.61.5151; reenacting and amending RCW 9.94A.030, 9.94A.320, 9.94A.360, and 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2355 by Representatives McDonald, Lantz, Mielke, Sullivan and Dunn

AN ACT Relating to the definition of the term "drugs" as used in the motor vehicle laws; adding a new section to chapter 46.04 RCW; and repealing RCW 46.61.540.

Referred to Committee on Judiciary.

HB 2356 by Representatives McDonald, Lantz, Mielke, Miloscia, Sullivan, Dunn and Talcott

AN ACT Relating to excused absences from school for search and rescue activities; and adding a new section to chapter 28A.225 RCW.

Referred to Committee on Education.

HB 2357 by Representatives Dickerson, Stensen, Huff, Gombosky, Clements, Kenney, Conway, Hurst, Van Luven and Edmonds

AN ACT Relating to establishing a cancer task force; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care.

HB 2358 by Representatives Wood, Morris, Clements, Conway and Radcliff

AN ACT Relating to fund raising events; and amending RCW 9.46.0233.

Referred to Committee on Commerce & Labor.

HB 2359 by Representatives Parlette, Cody, Edmonds, Rockefeller, B. Chandler, Schoesler, Kenney, Conway, McDonald and Van Luven

AN ACT Relating to the nursing facility payment system; amending RCW 74.46.020, 74.46.370, 74.46.421, and 74.46.431; reenacting and amending RCW 74.46.506; and repealing RCW 74.46.908.

Referred to Committee on Health Care.

HB 2360 by Representatives Parlette, Buck, Pflug, D. Sommers, Mulliken, Schindler, G. Chandler and McMorris

AN ACT Relating to individual health insurance coverage; amending RCW 48.04.010, 48.20.028, 48.41.030, 48.41.060, 48.41.100, 48.41.110, 48.41.120, 48.41.200, 48.43.015, 48.43.025, 48.43.035, 48.44.020, 48.18.110, 48.44.022, 48.44.130, 48.46.060, 48.46.064, 48.46.300, 70.47.010, 70.47.020, and 70.47.100; reenacting and amending RCW 48.43.005 and 70.47.060; adding a new section to chapter 48.41 RCW; adding new sections to chapter 48.43 RCW; adding new sections to chapter 48.46 RCW; adding a new section to chapter

48.20 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.01 RCW; repealing RCW 48.41.180; and providing an effective date.

Referred to Committee on Health Care.

HB 2361 by Representatives Cody, Kastama, Edwards, Edmonds, Conway, Kagi, Schual-Berke, Rockefeller, Tokuda, Murray, Wolfe, Ogden, Morris, Ruderman, Stensen, Hurst, Lovick, Veloria, Poulsen, Wood, Kessler, Regala, Linville, Cooper, Scott, Anderson and Santos

AN ACT Relating to reducing the cost of prescription drugs to qualifying residents of the state; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter 74.09 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care.

HB 2362 by Representatives Cody, Kastama, Edwards, Edmonds, Schual-Berke, Conway, Kagi, Rockefeller, Kenney, Tokuda, Murray, Wolfe, Fisher, Ogden, Morris, Ruderman, Stensen, Lovick, Veloria, Wood, Kessler, Regala, Reardon, Cooper, Scott and Santos

AN ACT Relating to access to individual and small group health insurance coverage; amending RCW 48.41.020, 48.41.030, 48.41.040, 48.41.060, 48.41.080, 48.41.090, 48.41.100, 48.41.110, 48.41.120, 48.41.130, 48.41.140, 48.41.200, 48.43.015, 48.43.025, 48.43.035, 48.20.028, 48.21.045, 48.44.022, 48.44.023, 48.46.064, 48.46.066, 48.44.020, 48.46.060, 70.47.010, 70.47.020, 70.47.100, 41.05.140, 48.44.130, 48.46.300, 48.21.047, 48.44.024, and 48.46.068; reenacting and amending RCW 48.43.005, 70.47.060, 43.79A.040, 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter 48.41 RCW; adding new sections to chapter 48.43 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating new sections; repealing RCW 48.41.180; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care.

HB 2363 by Representatives Cody, Edwards, Edmonds, Conway, Kenney and Ruderman

AN ACT Relating to health; requiring registration of a school health aide; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care.

HB 2364 by Representatives Cody, Carlson, Edmonds, Parlette, Edwards, Kastama, Conway, Schual-Berke, Kagi, Kenney, Tokuda, Murray, Ogden, Ruderman, McDonald, Stensen, Van Luven, Lovick, Veloria, Poulsen, Wood, Kessler, Regala, Reardon, Cooper, Anderson and Santos

AN ACT Relating to eliminating employment barriers for individuals with disabilities; adding a new section to chapter 74.09 RCW; adding a new section to chapter 74.29 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

HB 2365 by Representatives Haigh, Pennington, Eickmeyer, Dunshee and Hurst

AN ACT Relating to ad valorem taxation of certain property that would otherwise be subject to leasehold excise tax; amending RCW 84.36.451; adding a new section to chapter

82.29A RCW; adding a new section to chapter 84.40 RCW; adding a new section to chapter 84.55 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2366 by Representatives Lantz, Skinner, Ogden, Carlson and Anderson

AN ACT Relating to liability of volunteers; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 2367 by Representatives Kenney, Carlson, Tokuda, Edmonds, Lovick, Stensen, Lantz, Veloria, Doumit, Dickerson, Kagi, Murray, Wolfe, Ogden, Schual-Berke, Kessler, Regala and Santos

AN ACT Relating to public assistance recipients participating in higher education programs; and amending RCW 74.08A.250.

Referred to Committee on Children & Family Services.

HB 2368 by Representatives Rockefeller, Woods, Fisher, Eickmeyer, Lantz, Haigh, O'Brien and Lovick

AN ACT Relating to ferry operation requirements under the State Environmental Policy Act; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Transportation.

HB 2369 by Representatives Conway and Clements

AN ACT Relating to occupational safety and health impact grants; and adding new sections to chapter 49.17 RCW.

Referred to Committee on Commerce & Labor.

HB 2370 by Representatives Lovick, Ballasiotes, O'Brien, Kenney, Dunshee, Tokuda, Reardon, Edwards, Sullivan, Stensen, Kagi, Conway, Kastama and Scott

AN ACT Relating to a law enforcement study; adding a new section to chapter 39.34 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2371 by Representatives Lovick, Ballasiotes, O'Brien, Kenney, Dunshee, Tokuda, Rockefeller, Reardon, Stensen, Conway, Regala, Edwards, Thomas, Ruderman, Hurst and Scott

AN ACT Relating to mail theft and destruction; amending RCW 13.40.0357; reenacting and amending RCW 9.94A.320; adding a new chapter to Title 9A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2372 by Representatives Kagi, D. Sommers, Carrell, Cody, Edwards, Kenney, Wolfe, Lovick and Schual-Berke

AN ACT Relating to detention of children in secure facilities; and amending RCW 13.32A.060, 13.32A.065, and 13.32A.130.

Referred to Committee on Children & Family Services.

HB 2373 by Representatives Kagi, D. Sommers, Tokuda, Cody, Edwards, Kenney, Murray, Wolfe, Ogden, Morris, Stensen, Veloria, Schual-Berke, Wood, Edmonds, Kessler, Regala, Cooper, Scott, Anderson, Dickerson, Santos and Lovick

AN ACT Relating to creating the office of child care and early education; amending RCW 28B.135.010, 28B.135.030, 28B.135.040, 41.04.380, 41.04.385, 43.20A.750, 43.31.504, 74.13.085, 74.13.090, 74.13.0901, 74.13.0902, 74.13.0903, 74.13.095, 74.14B.040, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, and 43.63A.066; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an effective date.

Referred to Committee on Children & Family Services.

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

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

There being no objection, the Rules Committee was relieved of the following bills and the bills were referred to the committees so designated.

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

Authorizing the general contractor/construction manager contracting procedure for school district capital projects.

Referred to Committee on State Government.

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

Creating a limited public works process.

Referred to Committee on State Government.

SHB 1072 by Committee on State Government (originally sponsored by Representatives Romero and D. Schmidt; by request of Alternative Public Works Methods Oversight Committee)

Changing provisions relating to the alternative works process.

Referred to Committee on State Government.

SHB 1074 by Committee on State Government (originally sponsored by Representatives D. Schmidt, Romero and Santos; by request of Alternative Public Works Methods Oversight Committee)

Regulating job order contracting for public works.

Referred to Committee on State Government.

2E2SHB 1147 by Committee on Appropriations (originally sponsored by Representatives K. Schmidt, Fisher, Hatfield, Radcliff, Kenney, Keiser, Hurst, Lovick, Ogden, Murray, Wood, Ruderman, Rockefeller and McIntire)

Enhancing novice driver traffic safety.

Referred to Committee on Transportation.

ESHB 1274 by Committee on Criminal Justice & Corrections (originally sponsored by Representatives Cairnes, O'Brien, Ballasiotes, Lovick, Koster and Haigh)

Changing provisions relating to jails.

Referred to Committee on Criminal Justice & Corrections.

SHB 1733 by Committee on Local Government (originally Representatives Romero, Campbell, Scott, Wolfe, Hatfield, Dickerson, Gombosky, Tokuda, Boldt, Mielke, D. Schmidt, Mitchell, Talcott, Ogden, Kenney, Wood, Santos and McIntire)

Limiting restrictions on residential day-care facilities.

Referred to Committee on Local Government.

ESHB 1817 by Committee on Agriculture & Ecology (originally sponsored by Representatives Grant and Clements)

Funding horticultural pest and disease boards.

Referred to Committee on Agriculture & Ecology.

SHB 2036 by Committee on Appropriations (originally sponsored by Representatives H. Sommers, Buck, Lantz, Regala, Anderson, Ogden and Rockefeller; by request of Commissioner of Public Lands and Superintendent of Public Instruction)

Funding management of the common school trust lands.

Referred to Committee on Appropriations.

2EHB 2073 by Representatives Conway, Cairnes, O'Brien, McDonald, Delvin, DeBolt, Kastama, Miloscia, Campbell, Sullivan, D. Schmidt, Cooper, Mielke, Pennington, Kenney, Bush, Lovick, Hurst, Wood, Clements, Reardon, Barlean, Haigh, Linville, Fisher, Fortunato, Dunshee, Mulliken, Keiser, G. Chandler, Eickmeyer, Lantz, Hatfield, Benson, Romero, Morris, Koster, Quall, Esser, Buck, Kessler, Dickerson, Scott, Anderson, Poulsen, Rockefeller, Veloria, Cody, Constantine, K. Schmidt, Murray, Schindler, Stensen, Edmonds, Schual-Berke, Kagi, Tokuda, Ruderman, Edwards, Skinner, Santos and McIntire

Retiring under the law enforcement officers' and fire fighters' retirement system, plan 2.

Referred to Committee on Appropriations.

SHB 2099 by Committee on Agriculture & Ecology (originally sponsored by Representatives G. Chandler and Linville)

Allowing an exemption from relinquishment of a water right for nonuse resulting from the operation or pendency of legal proceedings.

Referred to Committee on Agriculture & Ecology.

SHB 2263 by Committee on Appropriations (originally sponsored by Representatives Cox, Hurst, O'Brien, Esser, Conway, Rockefeller and Ogden)

Making any robbery within a financial institution a first degree robbery.

Referred to Committee on Appropriations.

HB 2285 by Representatives Van Luven, Veloria, Ballasiotes, Morris, Kenney, H. Sommers, Radcliff, Dunn, D. Schmidt, McDonald, O'Brien, Skinner, Hankins, Campbell and Esser; by request of Governor Locke

Creating the department of community development and the department of trade and economic development.

Referred to Committee on Economic Development, Housing & Trade.

There being no objection, the House went at ease until 4:30 p.m.

Speaker Chopp called the House to order.

The Sergeant-at-Arms announced President of the Senate Brad Owen and members of the Senate were at the door of the Chamber requesting admission. Speaker Chopp requested President Owen, President Pro Tempore Lorraine Wojahn, Majority Leader Sid Snyder and Minority Leader Jim West be escorted to the Rostrum, and invited the Senators to take seat, within the Chamber.

JOINT SESSION

Speaker Chopp called the Joint Session to order and requested the Clerk of the House to call the roll of members of the House. A quorum was present. Speaker Chopp requested the Clerk of the House to call the roll of members of the Senate. A quorum was present.

Speaker Chopp called upon President Owen to preside over the Joint Session.

President Owen stated the purpose of this joint session was to receive the State of the State address from His Excellency, Governor Gary Locke.

APPOINTMENT OF SPECIAL COMMITTEES

The President appointed Representatives Campbell, Dunn, Lantz and Sullivan, and Senators Heavey, Johnson, Kline and Sheahan to escort the Supreme Court Justices from the State Reception Room to the House Chamber.

The President appointed Representatives Delvin, Linville, O'Brien and Woods, and Senators Eide, Goings, McCaslin and Roach to escort the State elected officials from the State Reception Room to the House Chamber.

The President appointed Representatives Bush and Murray and Senators Fraser and Rossi to advise His Excellency, Governor Gary Locke that the Joint Session was assembled and to escort him from his Chambers to the House Chamber.

The Sergeant-at-Arms announced the Justices of the Supreme Court had arrived. The President requested the Special Committee to escort the Justices to the front of the Chamber and introduced them to the Legislature: Chief Justice Richard P. Guy, Associate Chief Justice Charles Z. Smith, Justice Charles Johnson, Justice Barbara A. Madsen, Justice Gerry L. Alexander, Justice Richard B. Sanders, Justice Faith Ireland and Justice Bobbe Bridge.

The Sergeant-at-Arms announced the State elected officials had arrived. The President requested the Special Committee to escort the State elected officials to the front of the Chamber and introduced them to the Legislature: Secretary of State Ralph Munro, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Superintendent of Public Instruction Terry Bergeson, Commissioner of Public Lands Jennifer M. Belcher and Insurance Commissioner Deborah Senn.

The President welcomed and introduced the Honorable Jim McDermott, Congressman from the 7th District, and Congressman Adam Smith from the 9th District and his wife, Sarah.

The President called upon Secretary of State Munro to introduce the officers and career members of the Consular Association of Washington: The Honorable Walter Weber, Treasurer and Consul General Emeritus of Austria; The Honorable Roger Simmons, P.C., Consul General of Canada; The Honorable Karsten Babig, acting Consul General of the Federal Republic of Germany; The Honorable Shoji Sato, Senior Consul of Japan; The Honorable Byung Seang Oh, Consul of the Republic of Korea; Sylvia Meek, the Vice Consul for Mexico; The Honorable Andre Veklenko, Consul General of the Russian Federation; The Honorable David Broom, Her Majesty's Consul, United Kingdom; and The Honorable Frank Lew, Director General, Taipei Economic and Cultural Office Seattle.

The Sergeant-at-Arms announced His Excellency, Governor Gary Locke and his wife Mona Lee Locke had arrived. The President requested the Special Committee escort Governor and Mrs. Locke to the Rostrum where the President introduced the Governor to the Legislature.

The flags were escorted to the Rostrum by the Joint Service Color Guard. The prayer was offered by Rabbi James Mirel, Temple B'Nai Torah, Bellevue.

Rabbi Mirel: "Creator and sustainer of the universe.

We lift up our hearts to You today in Thanksgiving. Under your loving protection the leaders of the State of Washington have gathered to begin their annual deliberations which will set the course for the people of this great state for the new century which lies ahead.

We humbly ask Your guidance upon them and their loved ones as they begin this difficult and noble task. Each one of them has made sacrifices to serve their fellow citizens — taking precious time and energy from other obligations, of home, of family and of livelihood. At times, there is no doubt, they may question the wisdom of their decision. And so today we ask for them, the inspiration to continue this important work and for the sense of appreciation from their community which they so richly deserve.

As we ask your guidance upon this august assembly, we also ask that each one be endowed with a renewed commitment to the sacred and eternal values which are at the heart of our society. These include the pursuit of justice, the sense of obligation to the poor and needy and the unshakeable vision of equality which informs our nation and state, and teaches that all people have been created equal — by their Creator and endowed with basic and inalienable rights — young and old, men and women, rich and poor — all races, all religions, all people equal in Your eyes and under the law.

With these values firmly before them and their own personal sense of what is best for the people of our State, lift them up, guide them, protect them and bless them. And when their day is

done, may each be able to look back upon their service in this Olympia — the mountain on which heaven and earth meet — and reflect — what a great privilege it has been to have been called to serve my neighbors, my friends and my fellow citizens of the great State of Washington, Amen."

STATE OF THE STATE ADDRESS

His Excellency, Governor Locke: "Mr. President, Mr. Speakers, Honorable Chief Justice, distinguished Justices of the Supreme Court, members of the Consular Association, statewide elected officials, members of the Washington State Legislature, and all of the people of Washington, welcome. Tonight we stand together at the bright dawn of a new millennium.

A wealth of possibilities stretches before us. Behind us lies a proud history to guide the choices we make for the next century. A century our grandchildren will close just as we have closed our grandparents' century.

I have to admit, I feel time slipping away. Just the other day, I received my AARP card in the mail, and I thought, What's this? I'm not anywhere near retirement ... I hope.

In fact, I feel pretty young. I've still got lots of energy. I can still carry my golf clubs, walk the length of a golf course, and not be out of breath. I can even stay up past my kids' bedtime. In fact, Mona and I have decided that since we, as a family, share everything ... why not age? So on average, she and I are really only in our early 40s. Throw Dylan and Emily's ages into the mix, I'm still in my mid-20s. But in all seriousness, time isn't moving backwards. It is moving forward, and fast.

When I look into the future of the state of Washington, I like what I see. I see a Washington where our kids go to outstanding schools and get individual attention. Where they pass their achievement tests with flying colors. Where 4th graders read beyond the 4th grade level, and our 10th graders are passing their tests of mastery in the subjects that we deem important. Their teachers are the best in the nation, their school buildings state of the art; where a college education is available and affordable to anyone who works hard and earns it. And where our schools are free from violence, crime and drugs.

The Washington I see is a place where our families — our children — can find family wage jobs in their own hometowns. Where our economy is vibrant, and unemployment is low and hardly anyone needs welfare.

It's a Washington where a young family can buy a home that doesn't force them to live paycheck to paycheck, and our senior citizens can continue to live in the family home.

Where there is affordable and accessible health care for everyone, and where medical decisions are made by doctors and their patients, not by accountants.

It is a Washington where it is safe to walk the streets alone at night; where neighbor looks out for neighbor. I see a Washington with pure air, clean water, healthy forests, and flourishing farmlands. Where there are no endangered species, where our rivers are teeming with wild salmon.

Is this an impossible dream? I don't think so, and neither should you. President Kennedy once dreamed of putting a man on the moon, and we did it. Realizing our dreams of opportunity and success for our children should be our man on the moon. It is a dream that together, we can help make a reality.

We begin this 21st century with a strong foundation of high ideals, hard work, courage, and sacrifice. The 20th century answered Franklin Roosevelt's call for a rendezvous with destiny. Martin Luther King, Jr. challenged each of us to judge each other not by the color of our skin, but by the strength and content of our character. We witnessed Neil Armstrong take "one small step for man, one giant leap for mankind."

We saw our parents survive the Great Depression and fight wars to ensure our freedom. We saw the Berlin wall crash to the ground; we saw communism crumble and democracy flourish.

We saw Washington fly to worldwide prominence in the aircraft industry. And we saw Bill Gates and Jeff Bezos revolutionize technology and the way we do business.

And we saw thousands and thousands of Washingtonians, everyday Washingtonians, sacrifice everything that they had to ensure that their children would have a better life. We have with us today

some of those everyday Washingtonians who shaped our nation and our state — who made choices and sacrifices that ensured the freedom and the democracy we enjoy every single day.

First, let's pause to honor one of our heroes who isn't with us today. On October 7th, State Trooper Jim Saunders lost his life protecting our citizens. His wife Billie is with us today. Billie, you are in our thoughts and prayers, and you can always count on our support. It is with deep sadness that we acknowledge Jim's sacrifice today. Let's have a moment of silence to honor Trooper Jim Saunders.

Thank you.

There are other heroes we honor today.

Jacque Long is with us today. After witnessing the Ku Klux Klan in action, Jacque went to work for Martin Luther King, Jr., marching, registering voters, putting her own safety at risk to ensure equal rights for all. Jacque Long, thank you very much.

Francis Agnes and his wife, Marlene, are also with us tonight. Francis was a Prisoner of War in World War II. He survived the Bataan Death March — a deadly 60-mile march in jungle heat. And when he returned to Washington after 21 years in the Air Force, Francis and his wife dedicated their lives to helping veterans in our great state. Francis guards the lives of our veterans like a hawk. If a veteran is sick and needs a ride to the hospital, Francis will drive him. If a widow needs help arranging funeral plans, Francis is there. Francis Agnes, thank you very much.

LeRoy Roberts is one of the great Tuskegee Airmen. He flew 42 missions against Nazi Germany and 106 missions during the Korean War. After spending his entire career in the Air Force, LeRoy continues to volunteer at air force bases, and he travels around to our schools, Elk Clubs, Rotaries, and gives slide show presentations, educating our children and our citizens about the Tuskegee Airmen. LeRoy Roberts, thank you very much.

Tosh Okamoto. Tosh and his family were placed in concentration camps at the outbreak of World War II, simply because of their Japanese ancestry, and yet Tosh stood up and asked to fight for our country. He served in the heroic 442nd regimental combat team — the most-decorated unit in the history of American warfare. When Tosh returned to Washington, he went to a nursing home to visit the father of his friend, a fellow soldier, who had died in battle.

The man's other son was also visiting his father that day, and asked Tosh for some change. Tosh searched his pockets, and handed the son what he had. The son told Tosh that when his father rang his call button, it was more likely that someone would come and see what he wanted if he held up some money. Tosh was outraged. This man's son had died for democracy, and that's how he was being treated.

So Tosh formed a non-profit organization and opened the Keiro Nursing Home. Keiro, in Japanese, means "respect for the elderly." And that was the beginning of Tosh's involvement in improving the lives of our elders. Tosh Okamoto, thank you very much.

LeRoy Roberts and Tosh Okamoto and countless thousands of others served our country even as their families faced discrimination at home because they believed in the essential goodness of America and her promise of freedom and equal opportunity for all.

We must do for our children and our children's children as these heroes have done for us. When these soldiers went off to fight in wars, they weren't thinking about their own well-being — they were thinking about us — and our future. When Jacque risked her safety to march for civil rights and register voters, she was thinking about a society for all of us — where everyone has equal opportunities.

And when Jim Saunders drove that patrol car night after night, he did it because he wanted our children to live in a safe community. They did it for us — to create a better future.

The choices these heroes made carved out our destiny. What kind of a destiny do we want to carve out for our children? That will depend on the choices we make — in the next 60 days.

Things have never been better in our great state of Washington — the state of our state is good. Our schools' test scores are rising. We've helped more than 80,000 people move from welfare to work; we've retrained thousands of displaced workers into good paying jobs; and we've returned almost a billion tax dollars to businesses so they can reinvest, grow, and create the jobs that provide for our families and provide us with a good future. Our unemployment rate is the lowest it's been in 33 years.

Our economy is strong. It's our responsibility to preserve our prosperity. And we'll do it by building trust in government, by joining as "One Washington" and sharing our economic bounty, by finding long-term solutions to our immense transportation problems, and by making a long-term all-out commitment to education.

Tonight, as we celebrate our progress, we must also adopt an agenda for the future if our prosperity is to continue. So, as we begin the new century and its first legislative session, we must do more than simply meet the challenges of Initiative 695. As we begin, let us resolve to set aside partisanship, to do what is best for our people and for our children, the children of our state. Because you know what?

Twenty years from now, fifty years from now, a hundred years from now ... nobody's going to care whether we were Democrats or Republicans. They won't even remember our names. But what they will remember and care about is what we've done ... together ... to make the future a better place.

You've all read and digested my budget and legislative proposals. So tonight, let me just reinforce some of the most critical issues we must resolve.

First, health care should be available and affordable to everyone in the state. People can't purchase individual health coverage in this state. So let's resolve to find a solution. And let's also establish a Patients' Bill of Rights so that *no* citizen is denied proper care.

And with our economy booming, there's no reason for the unemployment insurance taxes to be going up. Let's make sure they stay down. But at the same time, we need to make sure that we provide extended benefits to the workers who are engaged in job training and retraining, who want to better their lives, who want to take care of their families — we owe them that.

None of us should feel unsafe in our homes, our jobs, our schools, our own backyards. So let's resolve once and for all to protect our families and our children from the scourge of domestic violence. And let's do everything we can to eliminate violence in the schools! No child should be afraid to go to school, and no parents should be afraid to send their children to school. Schools are for learning. Let our teachers teach and let our children learn. Let's eliminate violence from our schools. And let's protect our air and our water from pollution. And let's make sure that every inch of every pipeline in Washington is safe and secure.

None of us should have to fear neglect in our aging years. Let's pay greater respect to our elders — let's make sure they have secure long-term health-care options, and are never taxed out of the family home.

In fact, we have with us today two of our citizens whose lives have spanned *three centuries*.

Kikuno Kimura and Madame Kodama are both over 100 years old — and both have truly enriched our lives. These citizens have witnessed the evolution of travel from horse and buggy to space exploration. They've seen communication go from telegraphs to global cellular communications.

We owe so much to our seniors — our elders — for the legacy they've left us. So, thank you Kikuno and Hosoe.

The most important item on our agenda is sitting right up there. There! Wave to us. There is our future. Do you see them? Those children with us today, and every child in every city and town. *They* are Washington's future.

Those children will soon fill the seats you're sitting in today. They will be the doctors and dentists who take care of us. They will be the farmers, the scientists, the grocery store managers, the artists, the teachers, and the engineers. And one of them will stand here, some day, delivering the State of the State Address.

The key to their future, and the key to our future, is education. Education is the sword of democracy, the Excalibur of opportunity, and yes, the great equalizer. Our children deserve our best. So we need the best teachers in our classrooms. Our new teachers need to be properly prepared and tested. And we need to provide training and professional development so that all of our teachers can continue to excel.

Our children need small classes and individual attention to reach the high standards we've set for them.

We don't need to go to the moon. We need to bring the universe to our children.

Our goal is 100% literacy; 100% high school graduation. We've initiated Promise Scholarships, so hard-working high school graduates can get the college education they need to get

good-paying jobs. But now we must make the Promise Scholarship Program more than just a promise. We need to guarantee that it will continue as a permanent program in our state. And we need an education system that provides a lifetime of learning opportunities, because the need for new knowledge and new skills is moving at light-speed.

We've got to provide the training and retraining our workers need for the jobs of the future. Every working person knows the truth about the workplace of the 21st century: If you don't keep up to date, you'll be left behind.

I say to you tonight, it does not make sense that our state, with one of the highest per capita income levels in America, has the third most crowded classrooms in our nation. And I say to you tonight, it does not make sense that Washington is one of only five states that doesn't require new teachers to take tests to prove their mastery. This is simply unacceptable, and it must end now.

Every day, our hard-working, dedicated teachers have to make an impossible choice: focus on the struggling students, or focus on the majority of students, or focus on the gifted students. Whatever choice they make, every day they are forced to choose to leave some children behind ... and that's not right.

In my three years as governor, I've traveled to schools throughout our state. I've seen classrooms with 30 kids to a teacher. I've met 18-year-old high school graduates who can barely read. That's not right; it has to stop. If we commit to eliminating crowded classrooms, our teachers will have the chance to teach and our children will have a better chance to learn.

So, I propose that we make a down payment on eliminating crowded classrooms by using savings in the state education budget to hire 1,000 effective teachers in the next school year. We've laid the foundation for the best education system in the nation by setting tough standards for students and holding schools accountable for results.

Add teacher testing, on-going training, and professional standards to this equation, and we've got a rock-solid foundation for what comes next — smaller class sizes and unparalleled academic achievement. We cannot leave this session without fulfilling our duty to the future.

Let us resolve here tonight to do the right thing for our children.

Washingtonians have proven over and over again that if we give communities more power, they will use that power for the greater good — for our children. So let's allow local school boards to keep *more* of the taxes generated in their own communities — to invest in their schools. Local schools will benefit without any tax increase, and this way we can invest more than a billion dollars in schools over the next six years.

They can eliminate crowded classrooms, and they can provide after-school and weekend programs for children who need extra time or extra attention. And we can be sure that we won't leave a single child behind. If we can let local governments keep money for economic development — for convention centers, for baseball and football stadiums — we can surely let local school districts keep money for our kids! Because if even one child goes through our school system without gaining an education, we fail. And *we* will all be held accountable for that failure.

I propose we take yet another big step for schools — and taxpayers — by settling once and for all how we invest our surplus revenue. Initiative 601 spending limits are here to stay, but when we have a surplus, why not share that money — fifty-fifty between schools and taxpayers. Schools will improve, and taxpayers will see surplus tax dollars going back into their pockets where they belong.

I know that many of you out there are wondering how we can afford to take this leap forward in education after the passage of Initiative 695. But I ask you, how can we not?

I heard the voters on Initiative 695. I heard them loud and clear. I respect the initiative process our state holds so dear. And I regard the voters as both the customers and the shareholders of the state of Washington.

And our shareholders said their tax burden was too much, and that they want effective, efficient government.

Make no mistake — responding to I-695 will require sacrifices and tough decisions. But I stand here tonight to say that *together* we can meet this challenge without sacrificing a single child's future.

Working together, we can provide immediate property tax cuts, including a tax cut of more than six percent for all property owners, and we can exempt all low-income seniors from the state

portion of the property tax. After working so hard and sacrificing so much for their families and our communities, our elders must not be taxed out of their homes.

We are redoubling our efforts to make government more efficient and effective. We can do more and we will. We're eliminating at least 1,500 state positions, but let's go farther. Let's take state government into the 21st century by contracting out more state services, reforming our civil service system, and allowing state employees to have the same bargaining rights as city and county workers have. Let's continue our state's Savings Incentive Program, which has provided \$143 million in cold, hard cash for school construction since I took office.

One hundred and forty-three million dollars towards school construction all because state employees have been creative and diligent in streamlining their operations. From the Department of Labor & Industries that streamlined its contractor registration renewal process from 27 days down to one, to the Department of Information Services that designed and implemented "Access Washington," the best state Web site in America, to the Department of Health that developed a DNA fingerprinting technique which can identify an E-coli outbreak within 24 hours, instead of the seven days it used to take — every agency in our state is working hard to streamline government. So let's thank and applaud our state employees, for the great work they're doing.

By working together we can ensure that local governments hardest hit by Initiative 695 can continue to provide vital police, fire protection, public health, and transit services. I will not turn my back when someone needs the police, a medic, a firefighter, a vaccine for their child, or a bus ride home from work. We cannot walk away from our responsibility to make our communities safe and secure.

We all know we need transportation improvements to relieve congestion, to make our highways safer, to get our products to market more swiftly, and to make our ferry system more efficient. Our Blue Ribbon Commission on Transportation, created by this legislature, will find a way to fund over 20 billion dollars worth of transportation projects necessary in the decades ahead. And within a year, we will have their answer — a proposal that will go to the voters.

Yes, we could divert state revenue for short-term transportation solutions, but the result would destine our education system to mediocrity and hardly put a dent in the massive transportation problems we face. On my watch I will not see education sacrificed.

The children are our future. If we don't educate our children — if we don't commit to excellence in education — our children will carry the shackles of their inability to prosper, to engage, to be full active members of our society, to their graves. And we will all lose. We will all, as a society, be diminished. And that would be a tragedy that we simply can't allow to happen.

You know, I've taken on a lot of titles in my life. Deputy Prosecutor, State Representative, County Executive, and now Governor. But I'll tell you, the most important title I've ever had is Daddy. To Emily and Dylan I am Daddy, and I always will be. And that means more to me than anything else.

So let's remember our true titles. The ones that last; the ones that really matter. Uncle, Aunt, Brother, Sister, Mom and Dad.

Those children up there? Our future? I asked them a couple of questions. I asked: What do you like about your lives now, and what do you want the world to be like when you grow up?

Tana said she wants to be a teacher and a trapeze artist. And some people might say the two are synonymous — one and the same.

Kathy said, "I like learning stuff, but sometimes I learn sad things like the sea turtles who eat plastic bags and get sick and die. I learned about salmon at school and am real worried that they may all be gone if we don't clean up our rivers and creeks."

Maggie said, "I think more towns should be like my town because it is safe. I like walking to my grandma's house."

Madeleine said, "It is great to be a kid today. I hope for good choices by presidents and other people in the government."

Citizens of Washington: Is all that too much to ask? Jim, Jacque, LeRoy, Tosh, Francis, all of our heroes, they gave us freedom, democracy, the right to sit in whichever seat on the bus we want. And now our children are asking for opportunities. Chances. Let's give them the opportunities to make the right choices when their turn comes. And that is *not* too much to ask.

Last Saturday I went to the opening of a new school on Bainbridge Island. The children were singing some incredible songs, and one of the songs went like this, "The future begins with us. And every moment we live lights the way! This is our day. This is our day." Let's help them light the way. Let's give them their day.

A wise person once said, "A hundred years from now, it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove ... but the world may be different because I was important in the life of a child."

And today I say: A hundred years from now, it won't matter whether we were Democrats or Republicans. But the world will be different in a hundred years, if all of us — each and every one of us — commit today to being important in the lives of our children.

Thank you, and God bless us all."

The President thanked the Governor for his moving and visionary message, and requested the Special Committee to escort the Governor and Mrs. Locke from the House Chamber.

The President requested the Special Committee to escort the State elected officials from the House Chamber.

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

MOTION

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

Speaker Ballard assumed the chair and requested the Sergeant-at-Arms to escort the President of the Senate, leadership of the Senate and members of the Senate from the House Chamber.

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

MOTION

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Wednesday, February 12, 2000, the 3rd Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

SECOND DAY, JANUARY 11, 2000

JOURNAL OF THE HOUSE

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

THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 12, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kevin Springer and Ben Lindsey. Prayer was offered by Pastor Edward Markquart, Grace Lutheran Church, Des Moines.

In recognition of twenty-year veteran Lynda Ostrom of the Code Reviser's Office, the House held a moment of silence. Mrs. Ostrom died Thursday.

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

MESSAGE FROM THE SENATE

January 10, 2000

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8419,

SENATE CONCURRENT RESOLUTION NO. 8420,

SENATE CONCURRENT RESOLUTION NO. 8421,

and the same are herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTIONS AND FIRST READING

HB 2374 by Representatives Carlson, Skinner, Keiser, Rockefeller, O'Brien, Kenney, Haigh, Lantz and Ogden

AN ACT Relating to assaults on school employees; amending RCW 9A.36.031 and 9A.36.140; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2375 by Representatives Lantz, Esser, Carlson, Kenney, Dunn, O'Brien and Haigh

AN ACT Relating to information and technology literacy in higher education; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2376 by Representatives G. Chandler, Clements, Grant, Linville and Mastin; by request of Department of Agriculture

AN ACT Relating to horticultural plants and facilities; amending RCW 15.13.250, 15.13.260, 15.13.265, 15.13.270, 15.13.280, 15.13.285, 15.13.290, 15.13.300, 15.13.310, 15.13.320, 15.13.335, 15.13.340, 15.13.360, 15.13.370, 15.13.380, 15.13.390, 15.13.400, 15.13.410, 15.13.420, 15.13.425, 15.13.430, 15.13.440, 15.13.445, 15.13.450, 15.13.455, 15.13.470, 15.13.480, and 15.13.490; adding new sections to chapter 15.13 RCW; adding new sections to chapter 15.09 RCW; decodifying RCW 15.13.460, 15.13.930, and 15.13.950; repealing RCW 15.09.130 and 15.13.350; and prescribing penalties.

Referred to Committee on Agriculture & Ecology.

HB 2377 by Representatives G. Chandler, Linville, Pennington and Haigh; by request of Department of Agriculture

AN ACT Relating to custom meat slaughter and preparation; amending RCW 16.49.435, 16.49.680, 16.49.440, 16.49.690, 16.49.610, 16.49.451, 16.49.700, 16.49.710, 16.49.444, 16.49.510, and 16.49.670; adding new sections to chapter 16.49 RCW; adding a new section to chapter 16.57 RCW; recodifying RCW 16.49.435, 16.49.680, 16.49.440, 16.49.690, 16.49.610, 16.49.451, 16.49.700, 16.49.710, 16.49.444, 16.49.510, and RCW 16.49.670; repealing RCW 16.49.441, 16.49.442, 16.49.454, 16.49.500, 16.49.630, and 16.49.635; and prescribing penalties.

Referred to Committee on Agriculture & Ecology.

HB 2378 by Representatives Linville, G. Chandler and Haigh; by request of Department of Agriculture

AN ACT Relating to structural pest inspections; amending RCW 15.58.030, 15.58.150, 15.58.233, 15.58.040, and 15.58.210; adding new sections to chapter 15.58 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.

HB 2379 by Representatives Fortunato, Radcliff, Buck, Schoesler, Mitchell, DeBolt, D. Schmidt, Schindler and Koster

Creating the transportation fund.

Held on first reading.

HB 2380 by Representatives Cody, Parlette and Edwards; by request of Governor Locke

AN ACT Relating to boarding homes; amending RCW 18.20.020, 18.20.040, 18.20.050, 18.20.110, 18.20.120, 18.20.130, and 18.20.190; amending 1998 c 272 s 24 (uncodified); creating a new section; repealing RCW 18.20.060 and 18.20.100; and providing an effective date.

Referred to Committee on Health Care.

HB 2381 by Representatives Murray, Alexander and Lantz; by request of Governor Locke

AN ACT Relating to the capital budget; amending 1999 c 379 ss 106, 107, 215, 252, 305, 307, 308, 331, 335, 361, 383, 388, 390, 931, 373, 502, 603, 604, 605, 634, 641, 642, 686, 794, and 905 (uncodified); adding new sections to 1999 c 379; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2382 by Representatives Van Luven, Voloria, O'Brien, Mitchell, Kenney, Edwards, D. Schmidt, Talcott, Dunn, Haigh, McDonald, Ogden, H. Sommers and D. Sommers; by request of Governor Locke

AN ACT Relating to splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development; amending RCW 43.330.020, 43.63A.021, 43.330.040, 43.330.050, 43.330.070, 43.330.125, 43.330.135, 43.63A.066, 43.63A.115, 43.63A.155, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.460, 43.63A.600, 43.330.152, 43.330.155, 43.330.156, 43.330.904, 41.06.072, 43.63A.230, 43.330.065, 43.330.080, 43.31.057, 43.31.093, 43.31.205, 43.31.409, 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.641, 43.31.830, 43.31.840, 43.31.960, 43.17.065, 28A.515.320, 24.46.010, 28B.20.283, 28B.20.289, 28B.20.293, 28B.30.537, 28B.30.900, 28B.50.262, 28B.65.040, 28B.65.050, 28B.65.060, 28B.109.020, 28C.18.060, 36.01.120, 36.110.030, 39.86.110, 43.07.360, 43.21A.510, 43.21A.515, 43.21F.025, 43.21F.090, 43.21G.010, 43.23.035, 43.31.504, 43.88.093, 43.88.094, 43.160.020, 43.160.115, 43.160.180, 43.163.020, 43.163.120, 43.170.020, 43.172.011, 43.210.030, 43.210.050, 43.210.060, 43.330.092, 43.330.094, 50.67.030, 50.72.030, 70.95H.007, 70.95H.050, 74.13.090, 76.09.030, 76.56.020, 77.12.710, 79A.60.480, 81.80.450, 82.35.080, 41.06.070, 41.06.072, 43.06.115, 43.17.020, 19.02.050, 43.160.030, 43.163.060, 47.39.090, 47.76.230, 50.38.030, 80.50.030, 19.27.070, 27.34.020, 27.53.030, 28A.215.110, 28A.215.120, 36.27.100, 36.70A.030, 36.70A.040, 36.70A.131, 39.84.090, 43.08.260, 43.21A.612, 43.21C.110, 43.63B.010, 43.132.030, 43.155.020, 43.168.020, 43.168.031, 43.168.040, 43.168.050, 43.180.040, 43.180.200, 43.180.220, 43.185.020, 43.185A.010, 43.185B.010, 43.190.030, 43.280.020, 43.280.060, 43.280.080, 43.280.090, 43.330.110, 43.330.130, 43.330.210, 46.12.295, 54.16.285, 54.52.010, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.21.010, 59.22.020, 59.22.090, 59.28.040, 59.28.050, 59.28.060, 70.94.537, 70.114A.070, 70.119A.170, 70.125.030, 70.164.020, 70.190.010, 80.28.010, 82.14.330, 82.14.335, and 90.71.020; reenacting and amending RCW 43.17.010; reenacting RCW 48.50.040; adding new sections to chapter 43.330 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 41.06 RCW; creating new sections; recodifying RCW 43.63A.021, 43.63A.066, 43.63A.067, 43.63A.075, 43.63A.105, 43.63A.115, 43.63A.125, 43.63A.150, 43.63A.155, 43.63A.190, 43.63A.215, 43.63A.240, 43.63A.245, 43.63A.247, 43.63A.249, 43.63A.265, 43.63A.270, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.420, 43.63A.440, 43.63A.460,

43.63A.465, 43.63A.4651, 43.63A.470, 43.63A.475, 43.63A.480, 43.63A.485, 43.63A.490, 43.63A.500, 43.63A.510, 43.63A.550, 43.63A.600, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.650, 43.63A.660, 43.63A.670, 43.63A.680, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, 43.63A.740, 43.63A.900, 43.63A.901, 43.63A.902, 43.63A.903, 43.330.150, 43.330.152, 43.330.155, 43.330.156, 43.330.190, 43.330.200, 43.330.210, 43.330.220, 43.330.230, 43.63A.230, 43.63A.700, 43.63A.710, 43.63A.715, 43.330.060, 43.330.065, 43.330.080, 43.330.090, 43.330.092, 43.330.094, 43.330.095, 43.330.096, 43.63A.690, and 43.330.180; repealing RCW 43.330.005, 43.330.007, 43.330.010, 43.330.900, and 43.31.800; providing an effective date; and providing expiration dates.

Referred to Committee on Economic Development, Housing & Trade.

HB 2383 by Representatives Regala, G. Chandler, Anderson, Linville, Fisher, Scott, Kenney, Lovick, Haigh, Lantz, Wood, Santos, Edmonds and Ogden

AN ACT Relating to aquatic nuisance species; amending RCW 77.12.020; and adding a new chapter to Title 75 RCW.

Referred to Committee on Natural Resources.

HB 2384 by Representative Campbell

AN ACT Relating to requiring birth certificates for public school students; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 2385 by Representatives Campbell, Lantz, Van Luven, Sullivan, Bush, Kastama, Veloria, McDonald, Conway, Rockefeller and Regala

AN ACT Relating to the spraying of pesticides; amending RCW 17.21.410; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2386 by Representatives Kastama and McMorris

AN ACT Relating to basic health plan eligibility for persons eligible for medicare; amending RCW 70.47.020; reenacting and amending RCW 70.47.060; adding a new section to chapter 70.47 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

HB 2387 by Representatives Clements, B. Chandler, Radcliff, McMorris, G. Chandler, Schindler, Benson, Lambert and D. Sommers

AN ACT Relating to safety and health standards for work-related musculoskeletal disorders; and amending RCW 49.17.040.

Referred to Committee on Commerce & Labor.

HB 2388 by Representatives Parlette and Mulliken

AN ACT Relating to the establishment of boundaries when creating a metropolitan park district; amending RCW 35.61.010, 35.61.020, 35.61.030, 35.61.040, 35.61.050, 35.61.250, and 84.09.030; and adding a new section to chapter 35.61 RCW.

Referred to Committee on Local Government.

HB 2389 by Representatives O'Brien, Clements, Anderson, D. Sommers, Kastama, Talcott, Kagi, Ballasiotes, Carlson, Carrell, Rockefeller, Dunn, Benson, McDonald, Lantz, Bush and Ruderman

AN ACT Relating to public access computers; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 27.12 RCW; and declaring an emergency.

Referred to Committee on Education.

HB 2390 by Representatives Hankins, Cox, Mitchell, Radcliff, Skinner, Woods, Schoesler, Ericksen, Parlette, Clements, Delvin, Buck, Wensman, Pennington, Alexander, Barlean, Huff, Koster, D. Schmidt, Mastin, Talcott, Fortunato, Mulliken, Dunn, Van Luven, Bush and Esser

AN ACT Relating to the use of state lottery proceeds for school construction; amending RCW 67.70.040 and 67.70.240; and providing an effective date.

Referred to Committee on Appropriations.

HB 2391 by Representatives Doumit, Mulliken, Scott, Mielke, Hatfield, Fortunato, Grant, Linville, Kessler, Edwards, Mastin and Talcott

AN ACT Relating to shoreline planning; amending RCW 90.58.060 and 90.58.080; adding new sections to chapter 90.58 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 2392 by Representatives Doumit, Mulliken, Scott, Mielke, Miloscia, Hatfield, Fortunato, Fisher, Kenney, Edwards and Wolfe

AN ACT Relating to the funding and delivery of local government services; adding a new section to chapter 43.17 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 2393 by Representatives Mulliken, Doumit, Mielke, Scott, Ericksen, Fisher, Fortunato, Edwards, Mastin, Haigh, Van Luven and Esser

AN ACT Relating to requiring the department of ecology to present updated shoreline management guidelines to the legislature; adding a new section to chapter 90.58 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 2394 by Representatives Mulliken, Doumit, Mielke, Scott, Ericksen, Fisher, Fortunato, Mastin, Haigh, Van Luven and Esser

AN ACT Relating to review and amendment of shoreline master program guidelines; and amending RCW 90.58.060.

Referred to Committee on Local Government.

HB 2395 by Representatives Mulliken, Doumit, Mielke, Scott, Ericksen, Fortunato, Edwards, O'Brien, Hatfield, McMorris, Schindler, Wensman, B. Chandler, Lambert, D. Sommers, Van Luven and Esser

AN ACT Relating to a statutory moratorium on agency rule making involving costs to local government; adding a new section to chapter 43.17 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 2396 by Representatives Mulliken, Doumit, Schoesler, Hatfield, Cox, Scott, G. Chandler and Edwards

AN ACT Relating to exemptions from the prohibitions on municipal officers being beneficially interested in contracts; and amending RCW 42.23.030.

Referred to Committee on Local Government.

HB 2397 by Representatives Scott, Mulliken, Doumit, Mielke, Fisher, Reardon, Edwards, Fortunato, Haigh, Wolfe and Ogden

AN ACT Relating to the process of preparing local government fiscal notes and the review of fiscal impacts of legislation; amending RCW 43.132.020, 43.132.040, and 43.132.060; adding new sections to chapter 43.132 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2398 by Representatives Constantine, Esser and Lantz; by request of Office of the Code Reviser

AN ACT Relating to technical corrections to tax statutes; amending RCW 82.03.140, 82.03.150, 82.03.160, 82.03.180, 82.04.297, 82.04.340, 82.04.4452, 82.08.0291, 82.12.820, 82.14.360, 82.18.040, 82.34.050, 82.36.020, 82.45.060, 82.46.021, 82.46.030, 82.49.030, 82.62.090, 82.80.020, 82.80.050, 84.26.080, 84.34.065, 84.36.080, 84.36.379, 84.38.100, 84.38.120, 84.40.405, 84.52.0502, and 84.68.010; reenacting RCW 82.36.130; and repealing RCW 82.34.070, 84.56.190, 84.33.042, 84.33.043, 84.33.044, and 84.33.045.

Referred to Committee on Judiciary.

HB 2399 by Representatives Constantine, Esser, Lantz, Barlean, Cairnes and Pflug; by request of Office of the Code Reviser

AN ACT Relating to technical corrections to various natural resource laws; amending RCW 75.08.011, 75.08.206, 75.08.208, 75.08.245, 75.10.160, 75.12.140, 75.20.100, 75.20.103, 75.28.042, 75.28.340, 75.28.700, 75.28.730, 75.28.760, 75.30.050, 75.30.065, 75.30.250, 75.30.290, 75.30.320, 75.30.370, 75.30.420, 75.46.010, 75.46.110, 75.46.160, 75.46.170, 75.46.200, 75.50.110, 75.52.020, 75.52.050, 75.58.010, 75.58.030, 76.01.060, 76.06.020, 76.09.040, 76.09.055, 76.09.065, 76.09.140, 76.09.150, 76.12.090, 76.12.100, 76.12.140, 76.13.010, 76.13.110, 76.13.120, 76.14.010, 76.15.010, 76.36.010, 76.42.020, 76.48.020, 76.48.085, 77.08.010, 77.12.101, 77.12.204, 77.12.250, 77.12.315, 77.12.470,

77.12.480, 77.12.610, 77.12.620, 77.12.630, 77.15.070, 77.15.160, 77.15.400, 77.15.480, 77.15.700, 77.15.730, 77.16.340, 77.16.360, 77.18.010, 77.21.020, 77.21.070, 77.32.014, 77.32.380, 77.44.030, 78.16.070, 78.44.020, 78.44.031, 79.08.275, 79.24.570, 79.71.090, 79.71.100, 79.92.070, 79.92.080, 79.94.070, 79.96.110, 79A.05.155, 79A.05.200, 79A.05.205, 79A.05.250, 79A.05.255, 79A.05.265, 79A.05.300, 79A.05.315, 79A.05.320, 79A.05.405, 79A.05.420, 79A.05.500, 79A.05.520, 79A.05.535, 79A.05.540, 79A.05.610, 79A.05.615, 79A.05.620, 79A.05.625, 79A.05.630, 79A.05.635, 79A.05.640, 79A.05.645, 79A.05.650, 79A.05.655, 79A.05.665, 79A.05.685, 79A.05.693, 79A.05.695, 79A.05.735, 79A.05.750, 79A.05.765, 79A.05.780, 79A.05.793, 79A.15.020, 79A.15.030, 79A.15.060, 79A.15.070, 79A.25.020, 79A.25.030, 79A.25.040, 79A.25.060, 79A.25.070, 79A.25.080, 79A.25.100, 79A.25.180, 79A.25.200, 79A.25.240, 79A.25.250, 79A.25.800, 79A.25.820, 79A.25.830, 79A.30.010, 79A.30.020, 79A.30.030, 79A.35.030, 79A.40.020, 79A.40.030, 79A.40.060, 79A.40.080, 79A.45.040, 79A.60.010, 79A.60.030, 79A.60.050, 79A.60.060, 79A.60.070, 79A.60.130, 79A.60.160, 79A.60.170, 79A.60.180, 79A.60.190, 79A.60.200, 79A.60.300, 79A.60.400, 79A.60.410, 79A.60.420, 79A.60.440, 79A.60.470, 79A.60.480, 79A.60.485, 79A.60.490, 79A.60.540, 79A.60.590, 79A.60.620, 79A.65.010, 79A.65.030, and 79A.65.040; and repealing RCW 75.08.274, 75.25.090, 75.28.012, 76.12.200, 77.16.290, and 77.32.060.

Referred to Committee on Judiciary.

HB 2400 by Representatives Constantine, Esser, Lantz, Barlean, Cairnes and Pflug; by request of Office of the Code Reviser

AN ACT Relating to technical corrections to various business and professions laws; amending RCW 18.04.295, 18.20.010, 18.22.040, 18.25.0151, 18.25.0196, 18.25.0197, 18.25.190, 18.27.270, 18.39.010, 18.39.510, 18.44.241, 18.44.261, 18.44.271, 18.44.281, 18.44.291, 18.44.450, 18.48.060, 18.53.040, 18.57.174, 18.57A.060, 18.64.430, 18.71.017, 18.74.012, 18.88A.140, 18.104.020, 18.106.180, 18.106.250, 18.130.172, 18.135.060, 18.145.010, 18.155.010, 18.155.020, 18.155.030, 18.160.030, 18.160.040, 18.165.020, 18.165.130, 18.170.110, 18.185.010, 18.205.030, 18.205.100, 19.02.110, 19.02.800, 19.27A.050, 19.28.015, 19.28.370, 19.30.200, 19.32.150, 19.34.020, 19.34.250, 19.34.901, 19.36.100, 19.40.071, 19.56.010, 19.60.085, 19.68.040, 19.72.040, 19.80.065, 19.85.030, 19.94.258, 19.94.2584, 19.94.310, 19.94.390, 19.94.505, 19.98.020, 19.98.110, 19.105.330, 19.105.470, 19.116.030, 19.116.050, 19.120.080, 19.138.021, 19.146.260, 19.166.090, and 19.174.020; and repealing RCW 18.08.150, 18.08.190, 18.08.220, 18.25.050, 18.32.326, 18.45.010, 18.45.020, 18.45.440, 18.45.450, 18.45.470, and 18.90.010.

Referred to Committee on Judiciary.

HB 2401 by Representatives Anderson, Morris, Doumit, Regala, Lantz, Wolfe and McIntire

AN ACT Relating to acquisition of open space, land, or rights to future development; and amending RCW 84.34.230.

Referred to Committee on Local Government.

HB 2402 by Representatives Ballasiotes, O'Brien, Radcliff, Cody, Edwards, Benson, Haigh, Ruderman and Kagi; by request of Governor Locke

AN ACT Relating to domestic violence; amending RCW 10.31.100, 10.99.020, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, 26.50.070, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.50.150, 26.50.160, 26.52.070, 70.123.050, and 74.34.130; reenacting and amending RCW 9.94A.320; adding a

new section to chapter 3.62 RCW; adding a new section to chapter 26.50 RCW; adding a new section to chapter 74.34 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2403 by Representatives Kastama, Parlette, Conway, Koster, Lantz, Doumit, Poulsen, Cox, Ruderman, Wood, Linville, Dickerson, Sullivan, Hatfield, O'Brien, Lovick, Constantine, Delvin, Wensman, Pennington, Mitchell, Keiser, Cody, Talcott, Dunn, Haigh, McDonald, Van Luven, Edmonds, Ogden and Esser

AN ACT Relating to national recognition of World War II veterans; adding a new section to chapter 73.40 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2404 by Representatives Lovick, O'Brien, Edwards and Haigh; by request of Governor Locke

AN ACT Relating to partial confinement in sentences of one year or less; and amending RCW 9.94A.380.

Referred to Committee on Criminal Justice & Corrections.

HB 2405 by Representatives Gombosky, D. Sommers, Cox and Wood

AN ACT Relating to election dates for a first class city that changes its form of government; and amending RCW 29.13.020.

Referred to Committee on Local Government.

HB 2406 by Representatives Regala and Buck

AN ACT Relating to salmon recovery projects and activities; amending RCW 75.46.010 and 75.46.170; and adding a new section to chapter 75.46 RCW.

Referred to Committee on Natural Resources.

HB 2407 by Representatives Lantz, Esser and Haigh; by request of Board for Judicial Administration

AN ACT Relating to judges pro tempore; adding a new section to chapter 2.56 RCW; and adding a new section to chapter 3.02 RCW.

Referred to Committee on Judiciary.

HB 2408 by Representatives Veloria, Dunn, Scott, Stensen, Keiser, Kenney, Lovick, Cooper, Haigh, Lantz, Santos, Regala, Edmonds, Ogden and McIntire

AN ACT Relating to minority and women's business enterprises; amending RCW 43.86A.030, 43.86A.060, and 43.63A.690; adding a new section to chapter 39.19 RCW; and repealing RCW 43.131.381 and 43.131.382.

Referred to Committee on Economic Development, Housing & Trade.

HB 2409 by Representatives Talcott, Stensen, Carlson, Rockefeller, Quall, Santos, Haigh, O'Brien, Veloria, Keiser, D. Schmidt, Thomas, D. Sommers, McDonald, Lantz, Hurst, Skinner, Ruderman and Esser

AN ACT Relating to character education; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2410 by Representatives Lovick, Bush, McIntire, O'Brien, Keiser, Edwards, Reardon, Haigh, Schual-Berke, Scott, Stensen, Rockefeller, Kenney, Thomas, Morris, Wood, Regala, Hurst, Ogden, Ruderman and Kagi

AN ACT Relating to credit cards; adding a new section to chapter 63.14 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2411 by Representatives Lovick, Ballasiotes, O'Brien, Hurst, Kagi, Delvin, Radcliff, Lantz and Ruderman

AN ACT Relating to driving or physical control of a vehicle while under the influence of intoxicating liquor or any drug; amending RCW 9.94A.185, 9.94A.230, 46.20.720, 46.61.502, 46.61.504, and 46.61.5151; reenacting and amending RCW 9.94A.030, 9.94A.320, 9.94A.360, and 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2412 by Representatives Lovick, Ballasiotes, O'Brien, Hurst, Radcliff and Haigh

AN ACT Relating to vehicular assault; amending RCW 46.61.522; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2413 by Representatives Conway, Reardon, Stensen, Campbell, Linville, Sullivan, Cooper, Hurst, Kenney, Haigh, Santos, Dickerson, Tokuda, Cody, Romero, Poulsen, Hatfield, Scott, Keiser, Lovick, Murray, Edwards, Morris, Lantz, Wood, Regala, Edmonds, Wolfe, Ogden, Ruderman and McIntire

AN ACT Relating to unemployment insurance; amending RCW 50.04.355, 50.24.010, 50.29.020, 50.29.025, and 50.29.026; adding new sections to chapter 50.22 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2414 by Representatives Stensen, Carlson, Keiser, Talcott, Santos, Quall, Haigh, Schual-Berke, Rockefeller, O'Brien, Edwards, Lantz, Ogden and Bush

AN ACT Relating to death benefits for school employees; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Education.

HB 2415 by Representatives Quall, Talcott, Rockefeller, Carlson, D. Schmidt, Pflug, Thomas, Haigh, Van Luven, Linville, Ruderman and Esser

AN ACT Relating to charter public schools; amending RCW 41.59.080; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new chapter to Title 28A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 2416 by Representatives Clements, B. Chandler, Delvin, G. Chandler, Radcliff, Carrell, Boldt, Carlson, Buck, Mitchell, Mielke, Wensman, Schoesler, Ericksen, Ballasiotes, D. Schmidt, Parlette, Mastin, Koster, Sump, Talcott, Huff, Fortunato, Mulliken, Pflug, Benson, Thomas, Woods, Hankins, Alexander, D. Sommers, McMorris, Lisk, Skinner and Esser

AN ACT Relating to freezing unemployment insurance benefits and contributions; amending RCW 50.24.010, 50.29.025, and 50.20.120; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2417 by Representatives Kenney, Hankins, Edmonds, Carlson, Lantz, O'Brien, Veloria, Stensen, Dickerson, Kagi, Schual-Berke, Rockefeller, Cooper, Edwards and Ogden

AN ACT Relating to the community and technical college boards' powers and duties; and amending RCW 28B.50.140.

Referred to Committee on Judiciary.

HB 2418 by Representatives Woods, Conway, Talcott, D. Schmidt, Koster, Bush, Wensman, Carlson, Rockefeller, Kenney, Cody, Barlean, Schoesler, Sump, Cairnes, Thomas, Huff, Haigh, Mastin, McDonald, Lantz, Santos, Skinner, Ogden and McIntire

AN ACT Relating to a World War II oral history project; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2419 by Representatives Wood, Gombosky, Conway, Campbell, Sullivan, Cooper, Fisher, Ogden, Scott, Edwards, Kenney, Cody, Murray, Haigh, Santos, Hurst and McIntire

AN ACT Relating to allowing unemployment benefits during lockouts; amending RCW 50.20.120 and 50.04.030; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2420 by Representatives Linville, G. Chandler, Morris, Ericksen, Quall, Kastama, Santos, Grant, Stensen, Keiser, Poulsen, Wensman, Scott, Rockefeller, Reardon, Kenney, Cody, Lovick, Cooper, Koster, Haigh, McDonald, Van Luven, Lantz, Wood, Regala, Edmonds, Hurst, Dunshee, Constantine, Dickerson, Wolfe, Ogden, Ruderman and McIntire

AN ACT Relating to oil and gas pipeline safety; amending RCW 19.02.100, 19.122.050, and 19.122.070; adding a new section to chapter 19.122 RCW; adding a new section to chapter 48.48 RCW; adding a new chapter to Title 70 RCW; repealing RCW 81.88.040; and prescribing penalties.

Referred to Committee on Agriculture & Ecology.

HB 2421 by Representatives Pennington, G. Chandler, Dunn, Schoesler, Delvin, Schindler, Koster, Mielke, Boldt and Esser

AN ACT Relating to air pollution control; amending RCW 70.94.030, 46.61.165, 70.120.170, 70.94.743, 70.94.745, 70.94.053, 70.94.130, and 70.94.100; adding a new section to chapter 19.112 RCW; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2422 by Representatives Pennington, Boldt, Koster, Haigh and Esser

AN ACT Relating to sales tax exemptions for the use of nonpolluting fuels in passenger motor vehicles; amending RCW 82.38.075, 70.120.170, and 70.94.015; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Finance.

HB 2423 by Representatives Pennington, Hatfield, Boldt and Haigh

AN ACT Relating to dredge spoils; and amending RCW 79.90.160.

Referred to Committee on Natural Resources.

HB 2424 by Representatives Ballasiotes and O'Brien; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to compliance with federal standards for monitoring sex offenders; amending RCW 9A.44.135, 9A.44.140, 10.01.200, and 72.09.330; and reenacting and amending RCW 70.48.470.

Referred to Committee on Criminal Justice & Corrections.

HB 2425 by Representatives Schoesler, Buck, Ballasiotes, Doumit, Koster, Bush, Woods, Hankins, Pennington, Dunn, Delvin, G. Chandler, Parlette, Mastin, Mulliken, Pflug, Benson, Boldt, McMorris, McDonald and Esser

AN ACT Relating to changing the definition of the crime of assault of a child in the second degree; amending RCW 9A.36.130; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2426 by Representatives Pflug, Parlette, Mulliken, Carlson, Talcott, Fortunato, G. Chandler, Alexander and Esser

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

Referred to Committee on Health Care.

HB 2427 by Representatives Barlean, Anderson, Wensman, Koster, Schoesler and Ericksen

AN ACT Relating to the transfer of state trust lands; and amending 1999 c 379 s 384 (uncodified).

Referred to Committee on Capital Budget.

HJM 4017 by Representatives Clements, Conway, Carlson, Dunn, O'Brien, Edmonds, Cairnes, Veloria, Van Luven and Ogden

Requesting businesses owned by disabled persons be a subcategory of minority business enterprises.

Referred to Committee on Commerce & Labor.

HJM 4018 by Representatives Mulliken, Doumit, Mielke, Scott, Ericksen, Fortunato, Hatfield, Schindler, Dunn, Thomas, D. Sommers and Esser

Petitioning the Governor to impose a moratorium on state agencies adopting rules that would create new costs for local governments.

Referred to Committee on Local Government.

HJR 4210 by Representatives Wensman, DeBolt, Carlson, Koster and Alexander

Allowing legislative adjustment of officials' salaries.

Referred to Committee on State Government.

HJR 4211 by Representatives Thomas and Pflug

Providing a tax credit on owner-occupied residential property.

Referred to Committee on Finance.

HCR 4425 by Representatives Morris, Dunn, Regala, Anderson, Romero, Veloria, Van Luven, Linville, Kenney, Buck, Scott, Stensen, Lovick, Cooper, Thomas, Haigh, Santos, Edmonds and McIntire

Creating a committee to improve tribal relations.

Referred to Committee on State Government.

HCR 4426 by Representatives O'Brien, Ballasiotes, Kagi, Clements, Constantine, D. Sommers, Conway, Talcott, Cody, Schual-Berke, Lovick, Miloscia, Kenney, Kastama, Hurst and Haigh

Reviewing state sentencing policy.

Referred to Committee on Criminal Justice & Corrections.

MOTION

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

RESOLUTION

HOUSE RESOLUTION NO. 2000-4713, by Representatives DeBolt, Alexander, Fortunato, Dunn, Hatfield and Wensman

WHEREAS, The Benevolent and Protective Order of the Elks is a nation-wide organization that embodies the spirit of community service and compassion to people in all walks of life; and

WHEREAS, The Benevolent and Protective Order of the Elks has established lodges in over fifty-two different communities in the state of Washington, representing over sixty thousand members; and

WHEREAS, These local lodges and members dedicate countless hours and resources to improving the lives of citizens throughout the state of Washington through many important and charitable projects; and

WHEREAS, The Benevolent and Protective Order of the Elks wishes to pay its respects to the officials of the state of Washington, including all members of the fifty-sixth Washington State Legislature; and

WHEREAS, The Washington State Elks Association is holding their annual Elks Legislative Reception Day on this day, January 18, 2000; and

WHEREAS, It is the custom of the Washington State House of Representatives to acknowledge the unselfish service and dedication of the community organizations in this state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby recognize and honor the Benevolent and Protective Order of the Elks for its outstanding service and programs for youth, disabled children, educational scholarships, drug prevention, and a variety of community-oriented charities and service programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Co-Chief Clerks of the House of Representatives to Warren Donnelly, President of the Washington State Elks Association.

Representative DeBolt moved adoption of the resolution.

Representatives DeBolt, Wensman, Anderson and Alexander spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4713 was adopted.

The Speaker (Representative Ogden presiding) introduced Mr. Jim Garland, State President of the Elks and Mr. Frank Garland, Past National President of the Elks and asked the body to acknowledge them.

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

There being no objection, the Rules Committee was relieved of the following bill and the bill was referred to the committee so designated.

ESHB 2123 by Committee on State Government (originally sponsored by Representatives Cox, Grant, McMorris, Romero, D. Schmidt and Doumit)

Consolidating procedures for expedited rule making.

Referred to Committee on State Government.

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

MOTION

On motion of Representative Morris, the House adjourned until 10:00 a.m., Thursday, January 13, 2000, the 4th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

THIRD DAY, JANUARY 12, 2000

JOURNAL OF THE HOUSE

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

FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, January 13, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kirsten Tollefson and Melissa Lee. Prayer was offered by Reverend Fred Agtarap, Beacon Hill United Methodist Church.

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

INTRODUCTIONS AND FIRST READING

HB 2379 by Representatives Fortunato, Radcliff, Buck, Schoesler, Mitchell, DeBolt, D. Schmidt, Schindler and Koster

Creating the transportation fund.

Held on first reading.

HB 2428 by Representatives Conway and Clements; by request of Employment Security Department

AN ACT Relating to processing fees deducted from earnings withheld due to child support; amending RCW 26.23.060; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2429 by Representatives Conway, Clements and Edwards; by request of Employment Security Department

AN ACT Relating to eligibility for unemployment insurance benefits when an employee voluntarily participates in an employer initiated layoff; adding a new section to chapter 50.20 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2430 by Representatives Conway and Clements; by request of Employment Security Department

AN ACT Relating to allowing an employer to request relief of benefit charges within thirty days of notice of the claim being filed; amending RCW 50.29.020; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2431 by Representatives Clements, B. Chandler, Lisk and Pflug

AN ACT Relating to competitive industrial insurance; adding a new section to chapter 51.04 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2432 by Representatives Clements, B. Chandler, Huff and Esser

AN ACT Relating to a tobacco enforcement reward program; amending RCW 82.24.145; and adding a new section to chapter 82.24 RCW.

Referred to Committee on Commerce & Labor.

HB 2433 by Representatives Carrell, Kastama, Fortunato, Campbell, Thomas, Bush and Esser

AN ACT Relating to a description of taxes and fees imposed by government; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Finance.

HB 2434 by Representatives Carrell, Bush, Carlson and Pflug

AN ACT Relating to civil jurisdiction of district courts; and amending RCW 3.66.020.

Referred to Committee on Judiciary.

HB 2435 by Representatives Carrell and Pflug

AN ACT Relating to termination of a residential rental tenancy; and amending RCW 59.18.200.

Referred to Committee on Economic Development, Housing & Trade.

HB 2436 by Representatives DeBolt, Ericksen, Fortunato, O'Brien and Esser

AN ACT Relating to special license plates for veterans; and reenacting and amending RCW 46.16.305.

Referred to Committee on Transportation.

HB 2437 by Representatives DeBolt, Ericksen, McDonald, Fortunato, Kastama and Bush

AN ACT Relating to abandoned vehicles; amending RCW 46.55.085, 46.55.105, 46.55.110, 46.63.030, 46.63.060, 46.63.070, and 46.63.110; and prescribing penalties.

Referred to Committee on Transportation.

HB 2438 by Representatives DeBolt, O'Brien, Talcott and Benson

AN ACT Relating to special license plates for Vietnam veterans; and reenacting and amending RCW 46.16.305.

Referred to Committee on Transportation.

HB 2439 by Representatives Tokuda, Kagi, D. Sommers, Lovick, Kessler, Regala, Kenney, Cooper, Ogden, Eickmeyer, Murray, Schual-Berke, Stensen, Edmonds, Santos, Lantz, Wood and Benson

AN ACT Relating to family reconciliation services; amending RCW 13.32A.030, 13.32A.040, 13.32A.042, 13.32A.044, 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190, 28A.225.035, and 28A.225.090; adding new sections to chapter 13.32A RCW; repealing RCW 13.32A.191, 13.32A.192, 13.32A.194, 13.32A.196, 13.32A.197, 13.32A.198, 13.32A.205, and 13.32A.250; and prescribing penalties.

Referred to Committee on Children & Family Services.

HB 2440 by Representatives Mitchell, Fisher, Hankins, Edwards, Cooper, Ruderman, Pflug, Wood and Hurst

AN ACT Relating to technical editing of driver licensing statutes; amending RCW 46.04.168, 46.20.049, 46.20.207, 46.20.215, 46.20.292, 46.20.293, 46.20.300, 46.20.311, 46.20.315, 46.20.317, 46.20.320, 46.20.322, 46.20.323, 46.20.325, 46.20.326, 46.20.327, 46.20.328, 46.20.329, 46.20.331, 46.20.332, 46.20.333, 46.20.334, 46.20.335, 46.20.380, 46.20.394, 46.20.400, 46.20.500, and 46.20.520; reenacting and amending RCW 46.20.505; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2441 by Representatives Wensman, Ogden, Rockefeller, McMorris, Alexander, Regala, Mielke, Doumit, Thomas, Kessler, Hatfield, O'Brien, Lisk, McDonald, Carlson, Conway, Mulliken, Koster, Woods, Talcott, Huff, Radcliff, Wolfe, Ruderman, Edmonds, Pflug, Parlette, Esser, Hurst and Benson; by request of Joint Legislative Audit & Review Committee

AN ACT Relating to government accountability through the state sunset review process; amending RCW 43.131.020, 43.131.030, 43.131.040, 43.131.090, 43.131.100, 43.131.130, 43.131.150, and 43.131.900; adding new sections to chapter 43.131 RCW; repealing RCW 43.131.050, 43.131.060, 43.131.070, and 43.131.080; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

HB 2442 by Representatives O'Brien, Kagi, Constantine and Edmonds

AN ACT Relating to confiscation and forfeiture of firearms of persons arrested for certain alcohol-related offenses; and amending RCW 9.41.098.

Referred to Committee on Judiciary.

HB 2443 by Representatives O'Brien, Ballasiotes, Quall, Dickerson, Haigh, Cox, Edwards, Santos, Kenney, Edmonds, G. Chandler, Lantz, Clements, Stensen, Romero, Lovick, Wensman, Kastama, Kessler, Regala, Cody, Conway, Mulliken, Cooper, Van Luven, Ogden, Kagi, Ruderman, Murray, Linville, Rockefeller, Wood, Hurst and Benson

AN ACT Relating to tuition assistance for public school teachers required to take college courses to continue teaching and public school classified instructional staff seeking teacher certification; adding a new chapter to Title 28A RCW; and declaring an emergency.

Referred to Committee on Education.

HB 2444 by Representatives Dickerson, Ballasiotes, Schual-Berke, Lambert, Kagi, Radcliff, Tokuda, Ruderman, Santos and Benson

AN ACT Relating to contempt of court penalties in juvenile proceedings; and amending RCW 13.32A.250.

Referred to Committee on Judiciary.

HB 2445 by Representatives Constantine, Ballasiotes, O'Brien, Carrell, Huff and Edwards

AN ACT Relating to unused property markets; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2446 by Representative Kastama

AN ACT Relating to sales and use tax exemptions for bottled water; amending RCW 82.08.0293 and 82.12.0293; and providing an effective date.

Referred to Committee on Finance.

HB 2447 by Representatives Kastama, Carrell, Campbell and Boldt

AN ACT Relating to recall petitions; and amending RCW 29.82.160.

Referred to Committee on State Government.

HB 2448 by Representatives Kastama, Boldt, Wood, DeBolt, Lantz, Veloria, Edwards, Sullivan, Regala, Conway and Ruderman

AN ACT Relating to applying the consumer protection act to violations of the manufactured/mobile home landlord-tenant act; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 2449 by Representatives Pennington, Constantine and Mitchell

AN ACT Relating to ethics board staff review of ethics complaints; amending RCW 42.52.420; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government.

HB 2450 by Representatives McDonald, Mielke, Dunn and Kastama

AN ACT Relating to water service in unincorporated areas; amending RCW 36.70A.210; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.92 RCW; and adding a new section to chapter 70.116 RCW.

Referred to Committee on Local Government.

HB 2451 by Representatives McDonald, Hurst, Ruderman, Dunn, Mielke, Sullivan, Kastama, Bush, O'Brien, Schoesler, Wolfe, Stensen and Keiser

AN ACT Relating to anhydrous ammonia; amending RCW 69.50.440; reenacting and amending RCW 9.94A.320; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2452 by Representatives Cody, Parlette, Edwards and Hurst; by request of Department of Health

AN ACT Relating to making technical changes, wording updates, and other corrections to department of health statutes covering health professions and facilities; amending RCW 18.35.240, 18.35.240, 18.35.250, 18.35.250, 18.48.020, 18.52.030, 18.83.135, 18.92.013, 18.92.015, 18.92.030, 18.92.060, 18.92.125, 18.92.140, 18.92.145, 18.120.020, 18.73.030, 18.73.101, 18.73.130, 18.73.140, 70.168.020, 71.12.455, 71.12.460, 71.12.470, 71.12.480, 71.12.510, 71.12.520, 18.46.005, 18.46.010, 18.46.020, 18.46.040, 18.46.060, 18.46.070, 18.46.080, 18.46.090, 18.46.110, 18.46.120, 18.46.130, and 18.46.140; reenacting and amending RCW 71.12.500; adding a new section to chapter 71.12 RCW; repealing RCW 18.48.040, 18.57A.070, 18.83.910, and 18.83.911; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

HB 2453 by Representatives Carrell, Constantine, Kastama, Esser, Wood, Schoesler and Eickmeyer; by request of Gambling Commission

AN ACT Relating to cheating at gambling; amending RCW 9.46.196; adding new sections to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2454 by Representatives Edmonds, Parlette, Cody, Kenney, Radcliff, Kagi, Edwards, Lantz, Hatfield, Ogden, Conway, Veloria, Lovick, Kessler, O'Brien, Regala, McDonald, Carlson, Tokuda, Cooper, Van Luven, Ruderman, Murray, Schual-Berke, Scott, Stensen, Keiser, Santos, Pflug, Rockefeller, Wood and McIntire

AN ACT Relating to family caregiver long-term care information and support services; amending RCW 74.41.020, 74.41.030, 74.41.050, and 74.41.070; adding a new section to chapter 74.41 RCW; and making an appropriation.

Referred to Committee on Children & Family Services.

HB 2455 by Representatives B. Chandler, Ballasiotes, Cairnes, Koster, Lisk, Schoesler, Talcott, Huff, Pflug and Benson

AN ACT Relating to limiting the authority of the department of corrections to contract with attorneys for the provision of legal services in correctional facilities; and amending RCW 72.09.190.

Held on First Reading.

HB 2456 by Representatives Cairnes, Ballasiotes, Koster, B. Chandler, Talcott, Radcliff, Pflug, Esser and Benson

AN ACT Relating to identity crimes; amending RCW 9A.60.040; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2457 by Representatives Cairnes, Ballasiotes, Koster, B. Chandler, Bush, Lisk, Schoesler, Talcott, Radcliff, Pflug and Benson

AN ACT Relating to escorted leaves of absence for prison inmates; and amending RCW 72.01.370.

Referred to Committee on Criminal Justice & Corrections.

HB 2458 by Representatives Ballasiotes, Koster, B. Chandler, Cairnes, O'Brien, Bush, Schoesler, Talcott, Pflug, Esser and Benson

AN ACT Relating to public records requests from incarcerated individuals; and amending RCW 42.17.270.

Held on First Reading.

HB 2459 by Representatives Regala, Parlette and Lantz; by request of Parks and Recreation Commission

AN ACT Relating to the continuing operation of the winter recreation advisory committee; and amending RCW 79A.05.255.

Referred to Committee on Natural Resources.

HB 2460 by Representatives Gombosky, D. Sommers, Voloria, Lovick, Kessler, Kenney, Conway, Ogden, Murray, Schual-Berke, Stensen, Edmonds, Santos, Lantz, Linville, Wood and Benson

AN ACT Relating to community empowerment zones; amending RCW 43.63A.700 and 43.63A.710; adding a new chapter to Title 43 RCW; creating a new section; and recodifying RCW 43.63A.700 and 43.63A.710.

Referred to Committee on Economic Development, Housing & Trade.

HB 2461 by Representatives Reardon, Santos, Ruderman and Grant

AN ACT Relating to satisfaction of judgments; and amending RCW 4.56.100.

Referred to Committee on Judiciary.

HB 2462 by Representatives Reardon, Scott, Cooper, Linville, G. Chandler, Stensen, Barlean, Regala, Santos, Rockefeller, Dunshee, Ruderman, Grant, Kessler, Cody, Kenney, Conway, Wolfe, Ogden, Murray, Schual-Berke, Keiser, Edmonds and Hurst

AN ACT Relating to water quality monitoring; amending RCW 70.05.070 and 90.48.250; adding a new section to chapter 70.119A RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 35.88 RCW; adding a new section to chapter 36.94 RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2463 by Representatives Cooper, Campbell, Cairnes, Cody, Radcliff, Kastama, O'Brien, Koster, Veloria, Reardon, McDonald, Kenney, Conway, Kagi, Ruderman, Scott, Edwards, Keiser, Edmonds, Santos, Lantz, Linville, Wood and Lovick

AN ACT Relating to regulation of plumbers; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.050, 18.106.070, 18.106.090, 18.106.155, 18.106.170, 18.106.180, and 18.106.250; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2464 by Representatives Fisher, Mitchell, Edwards, Hankins, Lovick, Kessler, Cody, Conway, Tokuda, Cooper, Wolfe, Van Luven, Ogden, Ruderman, Murray, Scott, Stensen, Edmonds, Wood and Hurst

AN ACT Relating to creating the multimodal transportation account; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding a new section to chapter 47.66 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2465 by Representatives Constantine, Pennington, Ruderman and Mitchell

AN ACT Relating to prohibiting use of a public office for assisting appointments to vacant elective offices; and amending RCW 42.52.180 and 42.17.130.

Referred to Committee on State Government.

HB 2466 by Representatives Regala, Ericksen, Buck, Linville, Anderson, Barlean and Mitchell

AN ACT Relating to ballast water management; adding a new chapter to Title 75 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 2467 by Representatives Eickmeyer, Clements, Doumit, Mulliken, Kessler, Haigh, Pennington, Hatfield and Grant

AN ACT Relating to job retention in rural counties; amending RCW 36.70A.030 and 36.70A.070; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 2468 by Representatives Eickmeyer, Huff, Lantz, Woods, Rockefeller and Haigh

AN ACT Relating to distressed area designation; and amending RCW 43.168.020 and 82.60.020.

Referred to Committee on Economic Development, Housing & Trade.

HB 2469 by Representatives Schual-Berke, Cody, Carlson and Boldt

AN ACT Relating to increasing the license surcharge for the impaired physician program; and amending RCW 18.71.310, 18.71A.020, and 18.57A.020.

Referred to Committee on Health Care.

HB 2470 by Representatives Delvin, Hankins, Linville and G. Chandler

AN ACT Relating to landfill disposal facilities; and amending RCW 70.95.215.

Referred to Committee on Agriculture & Ecology.

HB 2471 by Representatives Dunn, Morris, McDonald, O'Brien, Boldt, Wolfe and Edwards

AN ACT Relating to the mobile home landlord-tenant act; and amending RCW 59.20.030, 59.20.070, 59.20.073, and 59.20.080.

Referred to Committee on Economic Development, Housing & Trade.

HB 2472 by Representatives Dunn, Ogden, Carlson, McDonald, O'Brien, Morris, Wolfe, Boldt and Edwards

AN ACT Relating to mobile home relocation assistance; amending RCW 59.21.021; adding a new section to chapter 59.21 RCW; and providing for submission of section 2 of this act to a vote of the people.

Referred to Committee on Economic Development, Housing & Trade.

HB 2473 by Representatives Dunn, O'Brien, McDonald, Morris, Wolfe, Boldt, Kenney, Edwards and Rockefeller

AN ACT Relating to certification of resident managers of mobile home parks; adding a new chapter to Title 18 RCW; prescribing penalties; and providing for submission of section 8 of this act to a vote of the people.

Referred to Committee on Economic Development, Housing & Trade.

HB 2474 by Representative Kastama

AN ACT Relating to pro se attorneys' fees in civil actions; adding a new section to chapter 4.84 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2475 by Representatives Kastama and Ruderman

AN ACT Relating to the geographical relocation of children after dissolution; amending RCW 26.09.260; and creating a new section.

Referred to Committee on Judiciary.

HB 2476 by Representatives Lambert, Kagi, Dickerson, Hurst, Cox, Carrell, Boldt, D. Sommers, Mulliken, Esser, Stensen, McDonald, Ruderman, Edwards, Keiser and Rockefeller

AN ACT Relating to investigating sudden unexplained deaths of children; and amending RCW 43.103.100 and 68.50.104.

Referred to Committee on Judiciary.

HJM 4019 by Representatives Reardon, Cooper, Lovick, Thomas, Grant, Kessler, Hatfield, O'Brien, Cody, Conway, Tokuda, Wolfe, Ogden, Ruderman, Murray, Schual-Berke, Stensen, Edmonds, Santos, Lantz, Linville, Pflug, Rockefeller, Wood and Hurst

Requesting federal assistance in ensuring pipeline safety.

Referred to Committee on Agriculture & Ecology.

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

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

There being no objection, the House adjourned until 10:00 a.m., Friday, January 14, 2000, the 5th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FOURTH DAY, JANUARY 13, 2000

JOURNAL OF THE HOUSE

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

FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 14, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tasherra Nichols and Robin Knutson. Prayer was offered by Pastor Irene Martin, St. James Episcopal Church, Cathlamet.

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

RESOLUTION

HOUSE RESOLUTION NO. 2000-4718, by Representatives Romero, Dickerson, Wolfe, Ogden and Wensman

WHEREAS, The indomitable men and women of the indefatigable Kalakala Foundation have tirelessly and steadfastly worked in an historic rescue of an historic treasure; and

WHEREAS, For more than eight years, the Kalakala Foundation has pursued the regional and national dream of preserving a vital piece of our collective history for the enjoyment and education of current and future generations; and

WHEREAS, Washingtonians and others all over the nation, thanks to the Kalakala Foundation, can now join in celebrating the return to Washington of the Kalakala, a grand and wonderful vessel if ever there was one; and

WHEREAS, Even the most searching observer would have to look far and wide to find a player in the maritime heritage of Puget Sound more valuable than the Kalakala; and

WHEREAS, The Kalakala Foundation has put together a thoughtful, impressive exhibit for the Rotunda of the Legislative Building, and the hard-working organization offered an equally thoughtful, impressive presentation at the Washington State Capitol Museum earlier this week; and

WHEREAS, One year ago, the historic motor ferry Kalakala and her crew reentered Puget Sound to the heartfelt cheers of an appreciative citizenry; and

WHEREAS, The two hundred seventy-six foot, seven hundred fifty ton vessel, launched on her maiden voyage in July 1935, and retired from ferry service in October 1967, had the capacity to carry two thousand passengers and one hundred sixty automobiles in her gallant career of service to the grateful riders of her time; and

WHEREAS, Seattle to Bremerton and back was the primary route sailed at an average speed of seventeen and one-half knots by the Kalakala in her working days, and today the Kalakala Foundation envisions this great gem's future as a permanent, waterfront attraction for a very fortunate Puget Sound community; and

WHEREAS, This cherished jewel of Evergreen State waters boasts thirty thousand square feet of space that can, and will, be used to captivate, educate, and just generally thrill children of all ages for scores of years to come;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington commends and commemorates the enduring and endearing spirit of the Kalakala Foundation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Peter Bevis, President of the Kalakala Foundation, and to the other members of this illustrious organization.

Representative Romero moved adoption of the resolution.

Representatives Romero, Dickerson and D. Sommers spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4718 was adopted.

INTRODUCTIONS AND FIRST READING

HB 2379 by Representatives Fortunato, Radcliff, Buck, Schoesler, Mitchell, DeBolt, D. Schmidt, Schindler and Koster

Creating the transportation fund.

Held on first reading from January 12, 2000.

HB 2455 by Representatives B. Chandler, Ballasiotes, Cairnes, Koster, Lisk, Schoesler, Talcott, Huff, Pflug and Benson

Limiting the authority of the department of corrections to contract with attorneys for the provision of legal services in correctional facilities.

Held on first reading from January 13, 2000.

HB 2458 by Representatives Ballasiotes, Koster, B. Chandler, Cairnes, O'Brien, Bush, Schoesler, Talcott, Pflug, Esser and Benson

Denying prisoners access to public records.

Held on first reading from January 13, 2000.

HB 2477 by Representatives D. Schmidt, Scott, Esser, Mielke, Mulliken, Fisher, O'Brien, Edwards, Doumit, Kastama, Ruderman, Linville, Romero, Lantz, Edmonds, Kenney and Van Luven

AN ACT Relating to funding the municipal research council; amending RCW 66.08.190 and 43.110.030; adding a new section to chapter 43.110 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2478 by Representatives Dickerson, Wood, Cooper, Anderson, Romero, O'Brien, Rockefeller, Ruderman, Keiser and Edwards

AN ACT Relating to the control of dioxin; amending RCW 70.105.010, 70.95C.020, 70.95E.010, 70.105.020, and 70.105D.020; adding new sections to chapter 70.105 RCW; creating new sections; and providing effective dates.

Referred to Committee on Agriculture & Ecology.

HB 2479 by Representatives Stensen, Regala, Linville and Kessler

AN ACT Relating to a pilot project to allow a county to administer hydraulic permits; adding a new section to chapter 75.20 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 2480 by Representatives Koster, D. Sommers, McDonald, Buck, Schindler, Esser, Dunn, Thomas, D. Schmidt, Wensman, Edmonds and O'Brien

AN ACT Relating to the Reiter pond hatchery; creating a new section; and making an appropriation.

Referred to Committee on Appropriations.

HB 2481 by Representatives Koster, Edmonds, Esser, O'Brien, Schoesler, Barlean, Alexander, Dunn, Thomas and Ruderman

AN ACT Relating to capital projects; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Capital Budget.

HB 2482 by Representatives Veloria, Ballasiotes, Conway, Dunn, O'Brien, D. Sommers, Crouse, Cairnes, Hurst, Santos and Kenney

AN ACT Relating to the release of sex offenders; and amending RCW 4.24.550 and 72.09.340.

Referred to Committee on Criminal Justice & Corrections.

HB 2483 by Representative Carrell

AN ACT Relating to communications between emergency service providers and trained peer supporters; amending RCW 5.60.060; and adding a new section to chapter 38.52 RCW.

Referred to Committee on Judiciary.

HB 2484 by Representatives Carrell, Cooper, Huff, Esser, Cox, Lambert, Alexander and Ruderman

AN ACT Relating to the state fire protection policy board; amending RCW 43.43.930; reenacting and amending RCW 43.43.934; adding a new section to chapter 43.43 RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government.

HB 2485 by Representatives Carrell, Pennington, McDonald, Sullivan, Talcott, Lambert, Kastama, Cox, Fortunato, Sump, Schoesler, DeBolt, D. Schmidt, Buck, Campbell, Wensman, Boldt, G. Chandler and O'Brien

AN ACT Relating to sales tax equalization; adding new sections to chapter 82.14 RCW; creating a new section; repealing RCW 82.14.200 and 82.14.210; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2486 by Representatives Carrell, Pennington, Talcott, Schoesler, Wensman, Mastin, Pflug, Cox, G. Chandler, Delvin, Lisk, Alexander, Dunn, D. Sommers, Parlette, Fortunato, Benson, DeBolt, Carlson, Buck, B. Chandler, Mielke, Sump, Koster, Barlean, Schindler, Lambert, Boldt, D. Schmidt, Mulliken, McDonald and Esser

AN ACT Relating to property tax reform; amending RCW 84.36.381, 84.38.010, 84.38.050, 84.48.080, 84.52.010, and 84.55.050; reenacting and amending RCW 84.55.005; adding a new section to chapter 84.36 RCW; adding new sections to chapter 84.55 RCW; adding new sections to chapter 84.38 RCW; creating new sections; and repealing RCW 84.55.0101.

Referred to Committee on Finance.

HB 2487 by Representative H. Sommers; by request of Governor Locke

AN ACT Relating to fiscal matters; amending 1999 c 309 ss 108, 110, 112, 113, 115, 116, 117, 120, 123, 124, 127, 129, 131, 136, 137, 142, 143, 145, 148, 149, 151, 154, 201, 202, 203, 205, 206, 208, 209, 211, 212, 213, 214, 217, 218, 222, 224, 225, 302, 303, 306, 307, 308, 309, 401, 402, 501, 502, 503, 504, 505, 507, 509, 510, 512, 513, 514, 515, 516, 517, 519, 603, 605, 606, 607, 609, 610, 611, 612, 613, 701, 702, 703, 705, 711, 713, 720, 723, 727, 801, and 907 (uncodified); 1999 c 376 s 3 (uncodified); 1999 c 392 s 2 (uncodified); 1999 sp.s. c 12 s 4 (uncodified); adding a new section to chapter 43.79 RCW; adding new sections to 1999 c 309 (uncodified); repealing 1999 c 309 s 908; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2488 by Representatives Koster, Ballasiotes, Cairnes, B. Chandler and O'Brien

AN ACT Relating to modifying requirements for correctional industries; and amending RCW 72.09.100.

Referred to Committee on Criminal Justice & Corrections.

HB 2489 by Representatives Kastama, Koster, Dickerson, Lambert, Lovick, Sullivan, Hurst, Keiser, Dunshee, Morris, Conway, Romero, Thomas, Ogden, Ruderman, Boldt, Stensen, Haigh, Veloria, Tokuda, Eickmeyer, Lantz, Edmonds and O'Brien

AN ACT Relating to protecting the privacy of personal information held by financial institutions; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2490 by Representatives Haigh, Thomas, Dunshee, Dunn, Veloria and Kenney; by request of Department of Revenue

AN ACT Relating to extending to Indian housing authorities the exemption from state and local tax currently applicable to other housing authorities; amending RCW 35.82.210; creating a new section; and providing an effective date.

Referred to Committee on Economic Development, Housing & Trade.

HB 2491 by Representatives Schindler, Ballasiotes, Koster, Sullivan, Esser, Wood, Crouse, Cairnes, Rockefeller, Edmonds, Mulliken, Clements, Ruderman, McDonald and Dunn

AN ACT Relating to DNA testing of evidence; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2492 by Representatives Schindler, Koster, Esser, Carrell, Sullivan, Crouse, Cairnes, Rockefeller, Veloria, Clements, Benson, D. Sommers and Hurst

AN ACT Relating to driving while under the influence of alcohol or any drug; amending RCW 46.61.502, 46.61.504, and 46.61.524; reenacting and amending RCW 46.61.5055, 9.94A.320, and 9.94A.360; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2493 by Representatives Ruderman, Cox, Dunshee, Thomas and Kenney; by request of Department of Revenue

AN ACT Relating to restricting the effective dates of sales and use tax changes for the purposes of simplification of tax collection; amending RCW 82.14.070; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.32 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 2494 by Representatives Alexander, H. Sommers, Lambert, Huff, Doumit, Koster, Barlean, Mulliken, Cox, Scott, McMorris, Benson, McIntire, Morris, Conway, Ruderman, Linville, Kessler, McDonald, B. Chandler, O'Brien and Kagi

AN ACT Relating to greater fiscal responsibility in state budgeting through zero-based budget reviews; adding a new chapter to Title 44 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2495 by Representatives Pennington and Benson; by request of Department of Fish and Wildlife

AN ACT Relating to hunting licenses; and amending RCW 77.32.450 and 77.32.460.

Referred to Committee on Natural Resources.

HB 2496 by Representatives Delvin, Wood, Clements, Conway and B. Chandler

AN ACT Relating to the furnishing of wine or beer to nonprofit charitable organizations; and reenacting and amending RCW 66.28.040.

Referred to Committee on Commerce & Labor.

HB 2497 by Representatives Scott, Mulliken, Doumit, Mielke, Edwards, Fortunato, O'Brien, Esser, Lambert, Ruderman, Haigh, Benson, D. Sommers, Hurst, Dunn and Wolfe

AN ACT Relating to enhancing the penalty for manufacture of methamphetamine involving children; reenacting and amending RCW 9.94A.310; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2498 by Representatives O'Brien and Ballasiotes; by request of Department of Social and Health Services

AN ACT Relating to licensing of and sanctions for violating conditions of the juvenile offender basic training camp program; amending RCW 13.40.320, 13.40.210, and 74.15.020; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2499 by Representatives Fisher, Mitchell, Hurst and O'Brien; by request of Governor Locke

AN ACT Relating to transportation funding and appropriations; amending 1999 1st sp.s. c 1 ss 103, 203, 204, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 303, 401, 402, 403, and 407 (uncodified); adding new sections to 1999 1st sp.s. c 1 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Transportation.

HB 2500 by Representatives Fisher, Mitchell, Romero, G. Chandler and Hurst

AN ACT Relating to vehicle trip permits; and amending RCW 46.16.160.

Referred to Committee on Transportation.

HB 2501 by Representatives Rockefeller, Campbell, Haigh, Gombosky, Lovick, Keiser, Kagi, Lantz, Quall, Scott, Eickmeyer, Conway, Morris, Cooper, Ogden, Kessler, Regala, Stensen, Hurst, Veloria, Schual-Berke, Santos, Wood, Edmonds, Kenney, O'Brien and Edwards

AN ACT Relating to school safety grants; adding a new chapter to Title 28A RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

HB 2502 by Representatives Edmonds, Hurst, Wood, Conway, Cooper, Delvin, Haigh, Keiser and O'Brien

AN ACT Relating to occupational diseases affecting fire fighters; amending RCW 51.32.185; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2503 by Representatives Conway, Wolfe, Keiser, Radcliff, Poulsen, McIntire, Fortunato, Miloscia, Santos, Delvin, Quall, Dunshee, Constantine, Linville, Cody, Cooper, Haigh, Hurst, Edmonds and Kenney

AN ACT Relating to choosing membership in the school employees' retirement system, plan 2 or plan 3; adding a new section to chapter 41.35 RCW; repealing RCW 41.35.610; and providing an effective date.

Referred to Committee on Appropriations.

HB 2504 by Representatives Constantine, Lambert, Kagi and Esser

AN ACT Relating to superior court commissioners; and amending RCW 2.24.040.

Referred to Committee on Judiciary.

HB 2505 by Representatives Cairnes, Veloria, O'Brien, Morris, Radcliff, Scott, Barlean, Esser, Kagi, Keiser, Fortunato, Schual-Berke, Edwards and Miloscia

AN ACT Relating to the definition of "city" for the multiple-unit dwellings property tax exemption; and amending RCW 84.14.010.

Referred to Committee on Finance.

HB 2506 by Representatives Fisher, Mitchell and Hurst

AN ACT Relating to the transfer of appointments by subagents of the director of the department of licensing; and amending RCW 46.01.140.

Referred to Committee on Transportation.

HB 2507 by Representatives Radcliff, Conway, Cooper, Ogden, Ruderman, Kessler, Clements, D. Sommers, Santos, Lantz, Esser, O'Brien and Kagi

AN ACT Relating to commercial telephone solicitation; amending RCW 19.158.110; adding new sections to chapter 43.10 RCW; adding a new section to chapter 19.158 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2508 by Representatives Kenney, Carlson, Conway, Hankins, Grant, Delvin, Santos, Dunn, Cox, Dickerson, Lantz, Dunshee, Veloria, Reardon, Cooper, Lovick, Ogden, Ruderman, Linville, Kessler, Regala, Stensen, Constantine, Haigh, Hurst, Keiser, Wolfe and Kagi; by request of Governor Locke

AN ACT Relating to economic development by improving the skills and productivity of Washington workers; adding new sections to chapter 28C.18 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2509 by Representatives O'Brien, Ballasiotes, Dickerson, Lovick, Conway, Ogden, Ruderman, Kessler, McDonald, Regala, Stensen, Hurst, Veloria, Santos, Wood, Lantz, Edmonds, Keiser and Kenney; by request of Attorney General

AN ACT Relating to dependent persons; amending RCW 9.94A.370, 9A.42.040, and 9A.42.045; reenacting and amending RCW 9.94A.030 and 9.94A.310; adding a new section to chapter 9A.42 RCW; adding a new chapter to Title 5 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2510 by Representatives Edmonds, D. Schmidt, Hurst and Kenney; by request of Department of Health

AN ACT Relating to in-home services; amending RCW 70.127.010, 70.127.020, 70.127.030, 70.127.040, 70.127.050, 70.127.080, 70.127.085, 70.127.090, 70.127.100, 70.127.120, 70.127.125, 70.127.140, 70.127.150, 70.127.170, 70.127.180, 70.127.190, 70.127.200, 70.127.210, and 70.38.025; adding new sections to chapter 70.127 RCW; adding a new section to chapter 70.38 RCW; repealing RCW 70.127.060, 70.127.070, 70.127.110, 70.127.220, 70.127.230, 70.127.240, 70.127.250, 70.127.260, and 70.127.270; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care.

HB 2511 by Representatives Ballasiotes, O'Brien, Lovick, Haigh and Hurst; by request of Department of Corrections

AN ACT Relating to tolling of criminal sentencing provisions; amending RCW 9.94A.145; reenacting and amending RCW 9.94A.120, 9.94A.142, and 9.94A.170; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2512 by Representatives Ballasiotes, Lovick, O'Brien, Haigh and Hurst; by request of Department of Corrections

AN ACT Relating to criminal investigations and information gathering within department of corrections facilities; adding a new section to chapter 72.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2513 by Representatives Ballasiotes, O'Brien, Koster and Hurst; by request of Department of Social and Health Services and Department of Corrections

AN ACT Relating to information concerning mental health services; amending RCW 71.05.630, 71.05.390, and 71.34.200; reenacting and amending RCW 9.94A.110; adding a new section to chapter 71.34 RCW; adding a new section to chapter 71.05 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 2514 by Representatives Reardon, Cox and Cooper; by request of Department of Revenue

AN ACT Relating to revising the tobacco products tax by closing a loophole for persons who acquire tobacco products from persons over whom the state has no jurisdiction; amending RCW 82.26.010, 82.26.020, 82.26.025, and 82.26.030; and providing an effective date.

Referred to Committee on Finance.

HB 2515 by Representatives Stensen, Cox, Cooper, Thomas and Hurst; by request of Department of Revenue

AN ACT Relating to simplifying estate tax penalties; amending RCW 83.100.070; and providing an effective date.

Referred to Committee on Finance.

HB 2516 by Representatives Stensen, Cox, Cooper and Thomas; by request of Department of Revenue

AN ACT Relating to the disclosure of information to persons against whom successor tax liability is asserted; amending RCW 82.32.330; and providing an effective date.

Referred to Committee on Finance.

HB 2517 by Representatives Linville, Ericksen, Schual-Berke, O'Brien, Cody, Kessler, Tokuda, Cooper, Radcliff, Conway, Edmonds, Santos, Voloria, Mitchell, Ballasiotes, Carlson, Lantz, D. Schmidt, Quall, Constantine, Kenney, Morris, Lovick, Ogden, Ruderman, Romero, Murray, Regala, Stensen, Haigh, Hurst, Wood, Keiser, Wolfe, McIntire and Kagi

AN ACT Relating to mental health parity; amending RCW 48.21.240, 48.44.340, and 48.46.290; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 70.47 RCW; creating a new section; and repealing RCW 48.21.240, 48.44.340, and 48.46.290.

Referred to Committee on Health Care.

HB 2518 by Representatives Anderson, Linville, Doumit, Grant, Quall, Murray, Ruderman, Reardon, Cooper, Romero, Constantine, Haigh, Santos, Wood, Edmonds, Wolfe and Kagi

AN ACT Relating to addressing the impacts of climate change; and creating new sections.

Referred to Committee on Agriculture & Ecology.

HB 2519 by Representatives Lovick, Fortunato, Dunshee, Thomas, Haigh and Kenney; by request of Department of Revenue

AN ACT Relating to simplifying the excise tax code through revising terminology, correcting mistakes, streamlining procedures, and deleting obsolete provisions; amending RCW 82.32.330, 82.14B.042, 82.14B.061, 82.49.010, 82.60.060, 82.60.080, 82.62.060, 82.60.049, 82.62.090, 82.63.045, 82.04.4456, and 82.04.4457; and providing an effective date.

Referred to Committee on Finance.

HB 2520 by Representatives Schual-Berke, Parlette and Cody; by request of Department of Social and Health Services

AN ACT Relating to consistent use of terms regarding state hospital patient status; amending RCW 71.05.020, 71.05.025, 71.05.050, 71.05.120, 71.05.170, 71.05.210,

71.05.325, 71.05.340, 71.05.390, 71.05.425, 71.05.480, 71.05.490, 71.05.640, 10.77.025, 10.77.110, 10.77.120, 10.77.200, 10.77.205, and 49.19.010; and reenacting and amending RCW 10.77.010.

Referred to Committee on Health Care.

HB 2521 by Representatives Quall, Dunn, Morris and D. Sommers

AN ACT Relating to the affordable housing program; and amending RCW 43.185A.010.

Referred to Committee on Economic Development, Housing & Trade.

HB 2522 by Representatives Lantz, McDonald, Constantine, Lambert, Dickerson, Barlean, Hurst and Carrell

AN ACT Relating to district court jurisdiction; and amending RCW 3.66.020.

Referred to Committee on Judiciary.

HB 2523 by Representatives Boldt, Mielke, Pennington, Mulliken and Dunn

AN ACT Relating to the basic education allocation provided to special education students; amending RCW 28A.150.390; and creating new sections.

Referred to Committee on Education.

HB 2524 by Representatives Boldt, Mielke, McMorris, Pennington, G. Chandler, D. Sommers and Dunn

AN ACT Relating to community-based services for persons with developmental disabilities; amending RCW 71A.12.010, 71A.12.120, 71A.14.030, 71A.14.040, 71A.14.050, 71A.14.060, 71A.14.070, 71A.14.080, and 71A.14.090; and adding a new section to chapter 71A.14 RCW.

Referred to Committee on Health Care.

MOTION

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

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

There being no objection, House Bill No. 2454 was referred from the Committee on Children and Family Services to the Committee on Health Care.

SIGNED BY THE SPEAKERS

The Speakers announced they were signing:

House Concurrent Resolution No. 4424,

Senate Concurrent Resolution No. 8419,

Senate Concurrent Resolution No. 8420,

Senate Concurrent Resolution No. 8421,

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

Speaker Chopp called upon Representative Ogden to preside.

There being no objection, the House adjourned until 10:00 a.m., Monday, January 17, 2000,
the 8th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTH DAY, JANUARY 14, 2000

JOURNAL OF THE HOUSE

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

EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, January 17, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cameran Harrington and Brittany Yunker. The Speaker led the chamber in the Pledge of Allegiance. Prayer was offered by Pastor John Hunter, First African Methodist Episcopal Church, Seattle.

Simeon Rhoden performed a solo accompanied by Tedde Gibson.

Speaker Ballard introduced Carver Gayton, Commissioner, Employment Security and thanked him for putting the day's program together.

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

MESSAGE FROM THE SENATE

January 14, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5019,

SUBSTITUTE SENATE BILL NO. 5027,

SENATE BILL NO. 5053,

SUBSTITUTE SENATE BILL NO. 5065,

SENATE BILL NO. 5084,

SENATE BILL NO. 5100,

SUBSTITUTE SENATE BILL NO. 5103,

SUBSTITUTE SENATE BILL NO. 5112,

and the same are herewith transmitted.

Brad J. Hendrickson, Deputy Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2000-4719, by Representatives Santos, Wensman, Haigh, Hatfield, Kessler, Woods, Cody, Wolfe, Ruderman, Edmonds, Veloria, Lantz, Talcott, Fortunato, Keiser, Dunn, Conway, Carlson, D. Schmidt, Lovick, Regala, Ogden, Linville and Pflug

WHEREAS, January 17, 2000, has been designated as the holiday when we, as a nation, remember Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. Martin Luther King, Jr. devoted his adult life and the life of his family to the pursuit of freedom, justice, and peace in America and the world; and

WHEREAS, Dr. Martin Luther King, Jr. was jailed several times throughout his struggle to bring all people the opportunity to live free from racial, ethnic, and religious discrimination and violence; and

WHEREAS, Dr. Martin Luther King, Jr.'s philosophy of nonviolence, which was based on the life and values of Mohandas Gandhi, is now woven into the fabric of America; and

WHEREAS, Dr. Martin Luther King, Jr. set an example of devotion to the principle that all Americans should live free from discrimination and violence; and

WHEREAS, Dr. Martin Luther King, Jr.'s leadership achievements were acknowledged when he was awarded the Nobel Peace Prize; and

WHEREAS, Dr. Martin Luther King, Jr.'s efforts and personal sacrifice were further recognized by the Congress of the United States, which created a permanent federal holiday to commemorate the date of his birth; and

WHEREAS, Dr. Martin Luther King, Jr.'s efforts are also recognized by the State of Washington, which honors his memory with a state holiday; and

WHEREAS, Dr. Martin Luther King, Jr.'s untimely death deeply grieved both our nation and the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives pause in our endeavors on behalf of the citizens of the State of Washington to commemorate the life of Dr. Martin Luther King, Jr.

Representative Santos moved adoption of the resolution.

Representatives Santos, Wensman, Tokuda, Talcott, Miloscia, Pennington, Quall, Fortunato, Lovick, DeBolt and Kenney spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4719 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Buck: "Periodically each of us in this Chamber has had to come before the Chamber and talk about tragedies that have happened in their district. Unfortunately, I have to do that this morning. On Thursday last week, on a snowy, icy road near Joyce, we had an automobile accident where a mother and three children were killed. Joyce is a small town; I like to joke about that single gas station and restaurant, and the out of business tattoo parlor; but there is about 1,000 of us. The entire town is in mourning today. We had a memorial service yesterday afternoon. We packed our school gym and I would just like to ask that the Chamber observe a moment of silence for Sarah

Jean Smith, the mother and for Samantha, three, Nathan, who was a year and a half, and for Robert Leroy who was two months old."

POINT OF PERSONAL PRIVILEGE

Representative Kessler: "I want to join my colleague and my seatmate from the 24th District, and although I don't live in Joyce, I recognize the anguish that this tragic accident has caused not only to the community, but imagine the father and the husband and what he is going through. I hope we will keep him in our prayers because this tragedy will live in his heart and mind for the rest of his life - to lose his entire family is an unspeakable occurrence that I'm sure none of us would want to go through. So please join my seatmate and me in keeping this man in our prayers."

SPEAKER'S PRIVILEGE

Speaker Ballard: "We become quite accustomed to watching the news and seeing the tragedies. This is certainly one tragedy that stops all of us because of the enormity of it. It is a good reminder for me and for all of us that some time we get so involved in our process here that we forget about all the hurt that is out there for the people that we represent. And so it certainly is a time that we can join together, support this family in whatever way -- whether in prayer or other ways -- because these tragedies are almost beyond our understanding."

INTRODUCTIONS AND FIRST READING

HB 2379 by Representatives Fortunato, Radcliff, Buck, Schoesler, Mitchell, DeBolt, D. Schmidt, Schindler and Koster

Creating the transportation fund.

Held on first reading from January 12, 2000.

HB 2455 by Representatives B. Chandler, Ballasiotes, Cairnes, Koster, Lisk, Schoesler, Talcott, Huff, Pflug and Benson

AN ACT Relating to limiting the authority of the department of corrections to contract with attorneys for the provision of legal services in correctional facilities; and amending RCW 72.09.190.

Referred to Committee on Criminal Justice & Corrections.

HB 2458 by Representatives Ballasiotes, Koster, B. Chandler, Cairnes, O'Brien, Bush, Schoesler, Talcott, Pflug, Esser, Benson, Lovick and Mulliken

AN ACT Relating to public records requests from incarcerated individuals; and amending RCW 42.17.270.

Referred to Committee on State Government.

HB 2525 by Representatives Carrell and Kastama

AN ACT Relating to bail bond recovery agents; amending RCW 18.185.010 and 18.185.110; adding new sections to chapter 18.185 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2526 by Representatives Carrell, Esser and Cox

AN ACT Relating to enforcement of outstanding warrants from courts of limited jurisdiction; amending RCW 35.20.270 and 3.62.040; reenacting and amending RCW 3.62.020; and adding a new section to chapter 3.02 RCW.

Referred to Committee on Judiciary.

HB 2527 by Representatives Ogden, Conway, Carlson and Keiser; by request of Department of Labor & Industries

AN ACT Relating to consumer protection regarding contractors; amending RCW 18.27.010, 18.27.030, 18.27.040, 18.27.050, 18.27.090, 18.27.100, 18.27.110, 18.27.114, and 60.04.031; reenacting and amending RCW 18.27.060; adding a new section to chapter 18.27 RCW; repealing RCW 18.27.075; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2528 by Representatives Cairnes, Cooper, G. Chandler, Dunshee, Tokuda, Linville, Stensen, Lovick, Esser, Kenney, Barlean, Constantine, Murray and Keiser

AN ACT Relating to capacity charges for sewage facilities to enhance water quality; and amending RCW 35.58.570.

Referred to Committee on Local Government.

HB 2529 by Representatives Clements, Hurst, B. Chandler, Wood, Lisk, G. Chandler, Wensman, Mastin, Delvin, Conway, Carlson, Ogden, Mulliken, Huff, Campbell, Mitchell, Schoesler and Cox

AN ACT Relating to a prohibition on unfair competition by motor vehicle dealers and manufacturers; and adding a new section to chapter 46.96 RCW.

Referred to Committee on Commerce & Labor.

HB 2530 by Representatives Santos, Quall, Kagi, Wensman, Kenney, Radcliff, Stensen, Grant, Cody, Haigh, Schual-Berke, Keiser, Talcott, Delvin, Cox, Carlson, Tokuda, D. Schmidt, Regala, Ogden, Linville, Anderson, Conway, Lantz, Veloria, Edmonds, Cooper, Murray, Sullivan, Rockefeller, Wood, O'Brien, Hurst and Kessler

AN ACT Relating to after-school care for middle school youth grant program; amending RCW 74.13.0903; adding a new section to chapter 28A.215 RCW; and creating a new section.

Referred to Committee on Education.

HB 2531 by Representatives Doumit, Huff, Morris, Schoesler, Linville, Cox, Grant, Haigh, Anderson, McMorris, Quall, Mulliken, Murray, Talcott, Ruderman, Mastin, Schindler, Lambert, Reardon, Hatfield, Kenney, Carlson, Alexander, D. Schmidt, Lovick, Mitchell, Keiser, Stensen and Rockefeller

AN ACT Relating to career and technical student organizations; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2532 by Representatives Fisher, Mitchell, Cairnes, Ogden, Dunn and Hurst; by request of Department of Transportation

AN ACT Relating to recognition of volunteer pilots; and amending RCW 47.68.233.

Referred to Committee on Transportation.

HB 2533 by Representatives Fisher, Mitchell, Cairnes and Hurst; by request of Department of Transportation

AN ACT Relating to civil service exemptions in the department of transportation; and amending RCW 41.06.079.

Referred to Committee on Transportation.

HB 2534 by Representatives Crouse and Poulsen

AN ACT Relating to establishing a universal service program to be funded by explicit per line charges to provide intrastate universal service support for basic telecommunications services in rural and high-cost areas; amending RCW 80.36.610; adding new sections to chapter 80.36 RCW; adding a new section to chapter 80.66 RCW; repealing RCW 80.36.600; providing an effective date; providing expiration dates; and providing for submission of this act to a vote of the people.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2535 by Representatives Miloscia, D. Schmidt, Ogden, Veloria and Haigh

AN ACT Relating to payment of retained percentages on public improvement contracts using the general contractor/construction manager method; and amending RCW 60.28.011.

Referred to Committee on State Government.

HB 2536 by Representatives Miloscia, D. Schmidt and Haigh

AN ACT Relating to general contractor/construction manager self-performance; and amending RCW 39.10.060.

Referred to Committee on State Government.

HB 2537 by Representatives Miloscia, D. Schmidt and Haigh

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

Referred to Committee on State Government.

HB 2538 by Representatives Miloscia, D. Schmidt and Haigh

AN ACT Relating to small works rosters; amending RCW 39.04.155, 39.04.010, 39.04.200, 28A.335.190, 28B.10.350, 35.22.620, 35.23.352, 36.32.235, 36.32.250, 36.77.075, 52.14.110, 53.08.120, 54.04.070, 57.08.050, and 70.44.140; adding a new section

to chapter 39.04 RCW; adding a new section to chapter 35.82 RCW; creating new sections; and repealing RCW 28B.10.355, 35.82.075, and 39.04.150.

Referred to Committee on State Government.

HB 2539 by Representatives McDonald, Bush, Woods, Thomas, Radcliff, Huff, Campbell, Schoesler, Conway and Dunn

AN ACT Relating to disruptive students; amending RCW 28A.600.020 and 28A.600.460; and creating a new section.

Referred to Committee on Education.

HB 2540 by Representatives Lantz, Cox, Dickerson, Lovick, Kastama, Cooper and Delvin

AN ACT Relating to arrest without warrant for failure to obey police, flagmen, or fire fighters; and amending RCW 10.31.100.

Referred to Committee on Judiciary.

HB 2541 by Representatives Keiser, Schual-Berke, Poulsen, Mitchell, Miloscia, Constantine, Veloria, Haigh and Santos

AN ACT Relating to airport noise property tax exemptions for port district property taxes; amending RCW 84.55.010; adding a new section to chapter 47.68 RCW; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

HB 2542 by Representatives Keiser, Talcott, Santos, Radcliff and Rockefeller

AN ACT Relating to alternative educational service providers; and amending RCW 28A.150.305.

Referred to Committee on Education.

HB 2543 by Representatives Keiser, Schual-Berke, Poulsen, Mitchell, Miloscia, Constantine, Haigh and Santos

AN ACT Relating to a legal process to abate aircraft noise; and adding a new section to chapter 53.54 RCW.

Referred to Committee on Judiciary.

HB 2544 by Representatives Keiser, Schual-Berke, Santos, Haigh, Cox, Quall, Talcott, Murray, Poulsen, Stensen, Kenney, Regala, Ogden, Linville, Anderson, Conway, Constantine, Lantz, Edmonds, Ruderman, Cooper, Morris, Rockefeller, O'Brien, Kagi and Hurst

AN ACT Relating to educator professional development; adding new sections to chapter 28A.300 RCW; and creating new sections.

Referred to Committee on Education.

HB 2545 by Representatives Clements and Lambert

AN ACT Relating to examinations for electricians; and amending RCW 19.28.530.

Referred to Committee on Commerce & Labor.

HB 2546 by Representatives Tokuda, D. Sommers, Rockefeller, Boldt, Veloria, Ballasiotes, Kenney, Radcliff, Lovick, Linville, Regala, Dickerson, McIntire, Grant, Santos, Carlson, Cody, Ogden, Anderson, Mitchell, Conway, Schual-Berke, Lantz, Edmonds, Ruderman, Wolfe, Keiser, Stensen, Haigh, Dunn, Wood, O'Brien, Kagi, Hurst and Kessler

AN ACT Relating to establishing performance measures and the setting of goals for earnings gains, job retention, and access to benefits that support work for the WorkFirst program; adding new sections to chapter 74.08A RCW; and creating new sections.

Referred to Committee on Children & Family Services.

HB 2547 by Representatives Kessler, Talcott, D. Sommers, Tokuda, Regala, Ogden, Linville, Anderson, Conway, Schual-Berke, Lantz, Veloria, Edmonds, Ruderman, Wolfe, Cooper, Murray, Morris, Stensen, Haigh, Santos, Rockefeller, Wood, O'Brien, Kagi and Hurst

AN ACT Relating to temporary assistance for needy families recipients who meet their work activity obligation in licensed child care facilities; adding a new section to chapter 74.08A RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 2548 by Representative Kastama

AN ACT Relating to the taxation of gambling activities; amending RCW 9.46.110 and 9.46.113; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2549 by Representatives Kastama, Ruderman, Hurst, DeBolt, Lantz, Boldt, Talcott, Haigh and Dunn

AN ACT Relating to shared parental responsibility; amending RCW 26.09.004 and 26.09.187; adding a new section to chapter 26.09 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2550 by Representatives Dunshee, Haigh, Miloscia, Cody, Scott, Ogden, Linville, Anderson, Conway, Schual-Berke, Constantine, Lantz, Kenney, Edmonds, Cooper, Eickmeyer, Murray, Morris, Keiser, Stensen, Santos, Rockefeller, Romero, Wood, O'Brien, Kagi, Hurst and Kessler

AN ACT Relating to creating the Washington answers! program; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on State Government.

HB 2551 by Representatives Rockefeller, Dunshee, O'Brien, Eickmeyer, Cairnes, Anderson, Conway, Lantz, Kenney, Edmonds, Wolfe, Keiser, Haigh and Murray; by request of Governor Locke

AN ACT Relating to providing a revenue neutral tax credit in regards to ad valorem taxation of real property occupied by senior citizens and retired persons; amending RCW 84.36.381, 84.36.387, 84.52.080, and 84.56.050; and creating a new section.

Referred to Committee on Finance.

HB 2552 by Representatives Dunshee and Edmonds

AN ACT Relating to funding public disclosure activities; adding a new chapter to Title 82 RCW; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Finance.

HB 2553 by Representatives Dunshee and Edmonds

AN ACT Relating to campaign reform; amending RCW 42.17.020, 34.05.310, 42.36.040, 42.17.080, 42.17.065, 42.17.090, 42.17.510, 42.17.040, 42.17.105, 42.17.175, and 42.17.680; adding new sections to chapter 42.17 RCW; creating new sections; repealing RCW 42.17.128; and prescribing penalties.

Referred to Committee on State Government.

HB 2554 by Representatives Anderson, Regala, Linville, Doumit, Buck and Rockefeller

AN ACT Relating to marine finfish aquaculture; and adding a new chapter to Title 75 RCW.

Referred to Committee on Natural Resources.

HB 2555 by Representatives Anderson, Barlean, O'Brien, Haigh, Tokuda, Lovick, Edmonds, Carlson, Ruderman, Wolfe, Morris, Keiser, Rockefeller and Hurst

AN ACT Relating to sex offenders; adding a new section to chapter 9A.44 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2556 by Representatives Carrell, Lambert, Schindler, Kastama, Fortunato, Cox, McDonald and Crouse

AN ACT Relating to preventing access by minors to materials about bomb making; adding a new chapter to Title 9 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2557 by Representatives Carrell, Constantine, Esser, Cox, Schindler, Lambert, Kastama, McDonald, Barlean, Lantz, Santos and Hurst

AN ACT Relating to law libraries; adding a new section to chapter 27.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2558 by Representatives Romero, McMorris and Wolfe; by request of Secretary of State

AN ACT Relating to state employees' suggestion awards and incentive pay; and amending RCW 41.60.015 and 41.60.150.

Referred to Committee on State Government.

HB 2559 by Representatives Carlson, Kenney, Lantz and Radcliff; by request of Committee on Advanced College Tuition Payment, Higher Education Coordinating Board and State Treasurer

AN ACT Relating to the advanced college tuition payment program; and amending RCW 28B.95.020, 28B.95.025, 28B.95.030, 28B.95.050, 28B.95.060, 28B.95.070, 28B.95.100, and 28B.95.110.

Referred to Committee on Higher Education.

HB 2560 by Representatives Cody, Cairnes, Mitchell, Murray, Haigh and Hurst; by request of Horse Racing Commission

AN ACT Relating to dissemination of criminal history record information to the Washington horse racing commission; and adding a new section to chapter 67.16 RCW.

Referred to Committee on Judiciary.

HB 2561 by Representatives Rockefeller, Woods, Mulliken, Scott, Lantz, Ogden, Constantine and Haigh

AN ACT Relating to authorizing the preservation and development of national historic towns outside of urban growth areas; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 2562 by Representatives Clements, Lisk, Huff, McMorris, B. Chandler, Pflug and Benson

AN ACT Relating to contraband tobacco products; and adding a new section to chapter 47.36 RCW.

Referred to Committee on Transportation.

HB 2563 by Representatives Carrell, Dickerson, O'Brien, Lovick and Boldt

AN ACT Relating to penalties for committing drug violations in the presence of children; reenacting and amending RCW 9.94A.310 and 9.94A.320; adding new sections to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2564 by Representatives Carrell, Schindler and Talcott

AN ACT Relating to terminating legal responsibilities of nonparents; and amending RCW 26.16.200, 26.16.205, 74.20A.020, 26.26.040, and 26.26.060.

Referred to Committee on Judiciary.

HB 2565 by Representatives Poulsen, Crouse, Morris, Cooper, Radcliff, Ruderman, Reardon, Linville, Conway, Schual-Berke, Kenney, Keiser, Santos and O'Brien

AN ACT Relating to disclosure of attributes of electricity products; amending RCW 19.29A.010; adding new sections to chapter 19.29A RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2566 by Representatives McMorris, Lisk, B. Chandler, Thomas, Radcliff, Huff, Mulliken and Boldt

AN ACT Relating to competitive strategies in the delivery of government services; amending RCW 41.06.380 and 41.06.382; creating a new section; and repealing RCW 28A.400.285.

Referred to Committee on State Government.

HB 2567 by Representatives Fisher and Mitchell

AN ACT Relating to furnishing lists of registered and legal owners of motor vehicles to certain transportation toll facility operators; and reenacting and amending RCW 46.12.370.

Referred to Committee on Transportation.

HB 2568 by Representatives Romero, Miloscia, Haigh, Wolfe, Campbell, Alexander, DeBolt, Hurst, Cooper, Conway, Rockefeller, Carlson, Tokuda, D. Schmidt, Cody, Regala, Scott, Linville, Anderson, Schual-Berke, Constantine, Lantz, Veloria, Kenney, Edmonds, Ruderman, Eickmeyer, Murray, Morris, Keiser, Stensen, Santos, Wood, O'Brien, Kagi and Kessler; by request of Governor Locke

AN ACT Relating to personnel; amending RCW 41.06.030, 41.06.150, 41.06.150, 41.06.022, 41.06.070, 41.06.110, 41.06.160, 41.06.167, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 28B.12.060, 34.05.030, 34.12.020, 41.50.804, 43.06.425, 43.33A.100, 43.131.090, 49.46.010, 41.06.340, 13.40.320, 39.29.006, 41.04.385, 47.46.040, 72.09.100, 41.06.079, 41.06.152, 41.06.152, 41.06.500, 41.06.500, 43.21I.010, 43.23.010, 49.74.030, 49.74.030, 49.74.040, 49.74.040, and 41.56.201; reenacting and amending RCW 41.04.340; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.06.163, 41.06.165, 41.06.140, 41.50.804, 41.06.520, 41.06.380, 41.06.382, 41.56.023, 41.56.201, 28B.16.015, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; providing effective dates; and providing an expiration date.

Referred to Committee on State Government.

HB 2569 by Representatives Edmonds, Pflug, McDonald, Lovick, Veloria, Morris, Keiser, Rockefeller and Kagi; by request of Governor Locke

AN ACT Relating to protecting vulnerable adults; amending RCW 43.20A.710, 74.39A.050, 74.34.095, and 74.39A.095; and adding new sections to chapter 74.34 RCW.

Referred to Committee on Health Care.

HB 2570 by Representatives Edmonds, Pennington, Schual-Berke, Conway, Haigh, Santos and Kagi

AN ACT Relating to the establishment of an advisory board for boarding homes; and adding a new section to chapter 18.20 RCW.

Referred to Committee on Health Care.

HB 2571 by Representatives Constantine and Carrell; by request of Environmental Hearings Office

AN ACT Relating to attorneys' fees; amending RCW 4.84.340; and adding a new section to chapter 4.84 RCW.

Referred to Committee on Judiciary.

HB 2572 by Representatives Pennington, Doumit, Delvin, Mielke, Hatfield, Schoesler, Clements, Boldt, DeBolt, Hurst, Kagi, G. Chandler, Dunn, Mulliken, Thomas, D. Schmidt, B. Chandler, Pflug, Talcott, Edmonds, Ruderman, Eickmeyer, Sullivan, Rockefeller, Wolfe and Woods

AN ACT Relating to the definition of a motorcycle helmet; and amending RCW 46.37.530.

Referred to Committee on Transportation.

HB 2573 by Representatives Cooper, Barlean, Thomas, Reardon, Radcliff, Stensen, Wensman, Ericksen, Dunshee and Regala

AN ACT Relating to motor vehicle fuel tax revenue allocations, distributions, and uses for nonhighway roads and off-road vehicles; amending RCW 46.09.020, 46.09.170, 46.09.240, and 46.09.280; and adding a new section to chapter 46.09 RCW.

Referred to Committee on Transportation.

HB 2574 by Representatives O'Brien, Cairnes, Lovick, Sullivan, Pennington, Veloria, Campbell, Conway, Koster, McDonald, Hurst, Kastama, Constantine, Pflug and Keiser

AN ACT Relating to inmate labor; and amending RCW 72.09.010, 72.09.100, and 72.09.111.

Referred to Committee on Criminal Justice & Corrections.

HB 2575 by Representatives Ruderman, Campbell, Cody, Edwards, Edmonds, Conway and Santos

AN ACT Relating to naturopathic physicians; amending RCW 18.36A.010, 18.36A.020, 18.36A.030, 18.36A.040, 18.36A.050, 18.36A.070, 18.06.050, 18.74.010, 18.120.020, 18.130.040, and 43.70.470; adding new sections to chapter 18.36A RCW; adding a new section to chapter 19.68 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

HB 2576 by Representatives D. Sommers and Veloria; by request of Department of Licensing

AN ACT Relating to trade name registrations; and amending RCW 19.80.005, 19.80.010, and 19.80.025.

Referred to Committee on Commerce & Labor.

HB 2577 by Representatives Miloscia, Mulliken, Mielke, Linville, Ericksen, Grant, Haigh and Hurst

AN ACT Relating to the merger of water-sewer districts into cities; amending RCW 35.13A.070, 36.93.090, and 36.93.105; adding a new chapter to Title 35 RCW; creating a new section; recodifying RCW 35.13A.010, 35.13A.070, 35.13A.090, and 35.13A.100; and repealing RCW 35.13A.020, 35.13A.030, 35.13A.0301, 35.13A.040, 35.13A.050, 35.13A.060, 35.13A.080, and 35.13A.900.

Referred to Committee on Local Government.

HB 2578 by Representatives Lambert, Dickerson and Haigh; by request of Department of Social and Health Services

AN ACT Relating to jurisdiction in child support matters; amending RCW 26.09.175, 26.23.130, 74.20A.055, and 74.20A.056; adding a new section to chapter 26.23 RCW; adding a new section to chapter 74.20A RCW; and repealing RCW 74.20A.058.

Referred to Committee on Judiciary.

HB 2579 by Representatives Lambert and Dickerson; by request of Department of Social and Health Services

AN ACT Relating to child support technical amendments necessary to implement the federal personal responsibility and work opportunity reconciliation act of 1996; amending RCW 26.18.055, 26.18.170, 26.18.180, 26.23.060, 67.16.020, 74.20.330, 74.20A.030, 74.20A.080, 74.20A.095, and 74.20A.180; and adding a new section to chapter 74.20A RCW.

Referred to Committee on Children & Family Services.

HB 2580 by Representatives Hurst, Fisher, Mitchell, Lovick, Dickerson, DeBolt, G. Chandler, Romero, Haigh, Ogden, Morris, McDonald, Hankins, Ericksen, Skinner, Fortunato, Scott, Edwards, Pflug, Woods and Cairnes

AN ACT Relating to certificates of ownership and registration; reenacting and amending RCW 46.12.030; and creating new sections.

Referred to Committee on Transportation.

HB 2581 by Representatives Schindler, Talcott, Koster, Mielke, Lambert, Crouse and Thomas

AN ACT Relating to the certification of specialists program; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Education.

HB 2582 by Representatives Schindler, Koster, Cox, Lambert, Talcott, Carrell and Wensman

AN ACT Relating to the Washington assessment of student learning; amending RCW 28A.230.195 and 28A.655.090; and creating new sections.

Referred to Committee on Education.

HB 2583 by Representatives Schindler, Lovick, Mielke, Gombosky, Lambert, Esser, Wensman, Thomas, Benson, Morris, Haigh, Dunn and Hurst

AN ACT Relating to disclosure of vehicle license information; amending RCW 46.12.380 and 46.12.390; reenacting and amending RCW 46.12.370; and adding a new section to chapter 46.12 RCW.

Referred to Committee on Transportation.

HB 2584 by Representatives Schindler, Crouse, Mielke, DeBolt, Boldt, Cox, Benson, Cairnes, Mulliken, Carrell, Esser, McMorris, D. Sommers, Thomas, Carlson, Schoesler, Talcott, Morris and Dunn

AN ACT Relating to replacement of license plates; and repealing RCW 46.16.233.

Referred to Committee on Transportation.

HB 2585 by Representatives Schindler, Mielke, Koster, Boldt, D. Sommers and Lambert

AN ACT Relating to fluoridation of public water systems; amending RCW 70.119A.060; and creating a new section.

Referred to Committee on Health Care.

HB 2586 by Representatives Haigh, Cox, Anderson, Doumit, Reardon, Rockefeller, Romero, Wood, Hatfield, Eickmeyer and Morris

AN ACT Relating to unlawful rural garbage disposal; amending RCW 70.93.030 and 70.93.060; adding a new section to chapter 70.93 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2587 by Representatives Kagi and Lambert; by request of Attorney General

AN ACT Relating to ballot titles; amending RCW 29.27.060, 29.79.040, 29.79.055, and 29.79.060; adding a new section to chapter 29.79 RCW; adding a new section to chapter 29.27 RCW; recodifying RCW 29.79.055; and repealing RCW 29.79.310 and 29.79.320.

Referred to Committee on State Government.

HB 2588 by Representatives Representatives Tokuda, D. Sommers, Kagi, Boldt, Kenney, Dickerson, Ogden, Veloria, Haigh, Santos and Romero

AN ACT Relating to domestic violence fatality reviews; and adding a new chapter to Title 43 RCW.

Held on first reading.

HB 2589 by Representatives Buck, Regala, Stensen, Anderson, Sump, G. Chandler, Pennington, Ericksen, Clements, Eickmeyer, Doumit, Alexander, Rockefeller and Dunn

AN ACT Relating to clarifying what projects are eligible for funding by the salmon recovery funding board; and amending RCW 75.46.170.

Referred to Committee on Natural Resources.

HB 2590 by Representatives Benson and Hatfield; by request of Pollution Liability Insurance Agency

AN ACT Relating to pollution liability insurance; and amending RCW 70.148.900, 70.149.900, and 82.23A.902.

Referred to Committee on Financial Institutions & Insurance.

HB 2591 by Representatives Morris, Crouse, DeBolt, Cooper, Pennington, Scott, Mielke, Ericksen, Doumit, Reardon, Schoesler and Haigh

AN ACT Relating to compensation and conditions for utility facilities within a railroad right-of-way; and adding new sections to chapter 43.10 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2592 by Representatives Ogden, Hankins, Dickerson, Keiser, Schual-Berke, Romero, Cody, Regala, Conway, Constantine, Lantz, Veloria, Edmonds, Ruderman, Haigh and Santos

AN ACT Relating to a claimant's right to receive unemployment compensation when the claimant leaves work due to domestic violence; and amending RCW 50.20.010, 50.20.050, and 50.29.020.

Referred to Committee on Commerce & Labor.

HB 2593 by Representatives Ogden, Carlson and Schual-Berke

AN ACT Relating to exempting physicians from jury duty; and amending RCW 2.36.100.

Referred to Committee on Judiciary.

HB 2594 by Representatives Ogden, Dunn, Carlson, Boldt, Scott and Lovick

AN ACT Relating to downtown and neighborhood commercial district revitalization; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HB 2595 by Representatives Ogden, Lovick, Hankins, Radcliff, Mitchell and Kagi

AN ACT Relating to protection orders; and amending RCW 26.50.160 and 74.34.130.

Referred to Committee on Judiciary.

HB 2596 by Representatives Romero, Eickmeyer, Haigh, Carlson, Rockefeller, Santos, Boldt, Murray, Scott, Lantz, Dunn, Ruderman, Kenney, Morris, Ogden, Wolfe and Woods

AN ACT Relating to licensing interpreters for the deaf and hard of hearing; amending RCW 2.42.010, 2.42.050, 2.42.110, 2.42.120, 2.42.130, 2.42.140, 2.42.150, 2.42.160,

2.42.170, and 2.42.180; adding a new chapter to Title 18 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Children & Family Services.

HB 2597 by Representatives Romero, Wolfe, Keiser and Campbell

AN ACT Relating to infertility diagnosis and treatment; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

HB 2598 by Representatives Dunn, Kenney, Carlson and Lantz

AN ACT Relating to the tuition recovery trust fund; and amending RCW 28C.10.084.

Referred to Committee on Higher Education.

HB 2599 by Representatives Doumit, Mulliken, Scott, Fisher and Alexander

AN ACT Relating to creating an education and training program for port district officials; amending RCW 53.06.060; adding new sections to chapter 53.06 RCW; and adding a new section to chapter 39.84 RCW.

Referred to Committee on Local Government.

HB 2600 by Representatives Santos, Bush and Tokuda

AN ACT Relating to control of domestic insurance companies; and amending RCW 48.31B.025.

Referred to Committee on Financial Institutions & Insurance.

HB 2601 by Representatives Morris, Radcliff, Poulsen, Cooper, Reardon, Ogden, Dunshee, Linville, Veloria, Wolfe, Anderson, Keiser, Stensen and Santos

AN ACT Relating to studying the energy facility siting process; amending RCW 80.50.060; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2602 by Representatives Morris, Cooper, Reardon, O'Brien, Anderson, Santos and Hurst

AN ACT Relating to enhancing the penalties for crimes against law enforcement officers; amending RCW 9.94A.390, 9A.36.031, 9A.48.070, and 9A.48.080; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2603 by Representatives Wolfe, Delvin, Doumit, Carlson, Conway, Alexander, H. Sommers, McDonald, Ogden, Schoesler, Pflug, Clements, Veloria, Kenney, Edmonds, Ruderman, Cody, Dickerson, Linville, Morris, Stensen, Haigh, Santos, Rockefeller, Romero, Wood, Kagi and Hurst; by request of Joint Committee on Pension Policy

AN ACT Relating to increasing member involvement in and knowledge of the retirement systems; amending RCW 41.50.075; adding new sections to chapter 41.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 2604 by Representatives Doumit, Alexander, Wolfe, Delvin, Conway, Carlson, H. Sommers, McDonald, Schoesler, Pflug, Talcott, Clements, Bush, Keiser, Haigh, Rockefeller, Kagi and Hurst; by request of Joint Committee on Pension Policy

AN ACT Relating to options for payment of retirement allowances; amending RCW 41.26.460, 41.32.530, 41.32.785, 41.32.851, 41.35.220, 41.40.188, and 41.40.660; and providing an effective date.

Referred to Committee on Appropriations.

HB 2605 by Representatives H. Sommers, Doumit, Linville, Morris and Rockefeller; by request of Governor Locke

AN ACT Relating to defining incentive savings for purposes of the savings incentive account; and amending RCW 43.79.460.

Referred to Committee on Appropriations.

HB 2606 by Representatives H. Sommers, Wolfe, Kenney, Morris, Keiser, Haigh, Rockefeller and Romero; by request of Governor Locke

AN ACT Relating to early retirement under the public employees' retirement system for affected employees of specific state agencies specifically designated for a reduction in staffing; adding a new chapter to Title 41 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2607 by Representatives Delvin, H. Sommers, Lambert, Alexander, Doumit, Carlson, Schoesler, Pflug, Talcott, Clements, Ruderman, Wolfe, Bush, Morris and Rockefeller; by request of Joint Committee on Pension Policy

AN ACT Relating to decreasing the employee contribution rate for the Washington state patrol retirement system until June 30, 2001; amending RCW 43.43.300; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2608 by Representatives Alexander, Carlson, H. Sommers, Doumit, Delvin, Lambert, Conway, Schoesler, Pflug, Talcott, Clements, Bush and Eickmeyer; by request of Joint Committee on Pension Policy

AN ACT Relating to the employee attendance incentive program; and amending RCW 28A.400.210.

Referred to Committee on Appropriations.

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

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

MOTION

On motion of Representative Lisk, the House adjourned until 9:55 a.m., Tuesday, January 18, 2000, the 9th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

EIGHTH DAY, JANUARY 17, 2000

JOURNAL OF THE HOUSE

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

NINTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, January 18, 2000

The House was called to order at 9:55 a.m. by Speaker Pro Tempore Ogden.

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

MESSAGE FROM THE SENATE

January 17, 2000

Mr. Speaker:

The President has signed HOUSE CONCURRENT RESOLUTION NO. 4424, and the same is herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTIONS AND FIRST READING

HB 2379 by Representatives Fortunato, Radcliff, Buck, Schoesler, Mitchell, DeBolt, D. Schmidt, Schindler, Koster, Clements, Sump, Mulliken, Mielke, Cox, Wensman, Cairnes, Dunn, Boldt, Skinner, Van Luven, D. Sommers and McDonald

AN ACT Relating to revenue sources for transportation purposes; adding a new section to chapter 43.79 RCW; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2588 by Representatives Representatives Tokuda, D. Sommers, Kagi, Boldt, Kenney, Dickerson, Ogden, Veloria, Haigh, Santos and Romero

AN ACT Relating to domestic violence fatality reviews; and adding a new chapter to Title 43 RCW.

Held on first reading from January 17, 2000.

HB 2609 by Representatives Carrell, Constantine, Mulliken and G. Chandler

AN ACT Relating to notices of dishonored checks; and amending RCW 62A.3-515 and 62A.3-522.

Referred to Committee on Judiciary.

HB 2610 by Representatives Dickerson, Ogden, McMorris, Doumit, Clements, Tokuda, D. Sommers, H. Sommers, Alexander, Kenney, Haigh and O'Brien

AN ACT Relating to residential services for children; creating a new section; and making an appropriation.

Referred to Committee on Children & Family Services.

HB 2611 by Representatives Dickerson, Buck, Dunshee, Cairnes, Reardon, Conway, Cox, Tokuda, Thomas, Talcott, McDonald, McIntire, Kessler, Campbell, Kenney, Haigh, O'Brien, Dunn and Anderson

AN ACT Relating to a tax exemption for persons under contract for services for developmentally disabled persons; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2612 by Representatives McDonald, Constantine and Hurst

AN ACT Relating to clarifying when a defendant must appear; and amending RCW 46.61.50571.

Referred to Committee on Judiciary.

HB 2613 by Representatives Lambert, Lovick, Cox, Campbell, Schindler, Carrell, Boldt, Esser, Mulliken and Delvin

AN ACT Relating to establishing the Miranda warning as a factor of voluntariness; and adding new sections to chapter 10.58 RCW.

Referred to Committee on Judiciary.

HB 2614 by Representatives G. Chandler, Parlette, Linville, Sump, Schoesler and Ruderman

AN ACT Relating to the effect on water rights of water use restrictions in response to listing of species as threatened or endangered under federal law; and amending RCW 90.14.140.

Referred to Committee on Agriculture & Ecology.

HB 2615 by Representatives B. Chandler, Lisk and Clements

AN ACT Relating to the exercise of stock options; adding a new section to chapter 50.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2616 by Representatives Radcliff, Fisher, Mitchell, Schoesler, Ruderman, Esser and Dunn

AN ACT Relating to allowing citizens to elect to pay vehicle license fees biannually; amending RCW 46.01.140, 46.16.062, 46.16.063, 46.16.065, 46.16.070, 46.16.071, 46.16.079, 46.16.085, 46.16.121, 46.16.313, 46.16.505, 46.16.585, 46.16.606, 46.16.670, and 81.104.160; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 2617 by Representatives Radcliff and Morris

AN ACT Relating to vessels providing excursion services; amending 1995 c 361 s 4 (uncodified); and creating a new section.

Referred to Committee on Transportation.

HB 2618 by Representatives Carrell, Sullivan, Koster, Mulliken, Boldt, Talcott, Cairnes, G. Chandler, Sump, Benson, Lambert, Esser, Pennington, Dunn, D. Schmidt, Cox, McMorris, D. Sommers, Lisk, O'Brien, Bush, Fortunato, Huff, McDonald, Campbell, Kastama, Miloscia and Hurst

AN ACT Relating to prohibiting the transfer of fetal tissue for valuable consideration; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care.

HB 2619 by Representatives McMorris, Lisk, D. Sommers, B. Chandler, G. Chandler, Barlean, Schindler, Mielke, Dunn, Sump, Koster, Bush, Crouse, Mitchell, Boldt, Mulliken, Radcliff, Benson, Delvin, Wensman, Buck, Carlson, Pflug, Thomas, D. Schmidt, Parlette, Mastin, Ballasiotes, Esser and Huff

AN ACT Relating to purchasing services in state government without permitting collective bargaining over wages or wage-related matters; amending RCW 41.06.150, 39.29.006, 47.46.040, 72.09.100, 72.10.030, and 82.01.070; adding a new section to chapter 41.06 RCW; creating a new section; and repealing RCW 41.06.380 and 41.06.382.

Referred to Committee on State Government.

HB 2620 by Representatives Fisher, Mitchell and Wolfe

AN ACT Relating to tow truck operators; and amending RCW 46.55.060, 46.55.130, and 46.61.570.

Referred to Committee on Transportation.

HB 2621 by Representatives Lambert, Kastama, Schindler, Koster, Miloscia, Talcott and Boldt

AN ACT Relating to property tax exemptions for churches; amending RCW 84.36.020; and reenacting and amending RCW 84.36.805 and 84.36.810.

Referred to Committee on Finance.

HB 2622 by Representatives Regala, Ericksen, Anderson, Pennington, Romero, Dunshee, Edmonds, Wolfe, Stensen, Constantine, McIntire, Ruderman, Rockefeller and Lantz; by request of Commissioner of Public Lands

AN ACT Relating to establishing a program to compensate for state trust lands with high recreational values; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding a new chapter to Title 79 RCW; creating a new section; making appropriations; providing effective dates; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 2623 by Representatives Regala, Anderson, Wolfe, Edmonds, Romero, Campbell and Miloscia; by request of Commissioner of Public Lands and Department of Fish and Wildlife

AN ACT Relating to studying options for funding contaminated sediment cleanup; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 2624 by Representatives Romero, Anderson, Edmonds, Wolfe, Dunshee, Stensen and O'Brien; by request of Commissioner of Public Lands and Department of Fish and Wildlife

AN ACT Relating to environmental review of surface mining in flood plains; adding a new section to chapter 43.21C RCW; and adding a new section to chapter 78.44 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2625 by Representatives Regala, Pennington, Anderson, Dunshee and Stensen; by request of Commissioner of Public Lands

AN ACT Relating to the sale of specific lands for the purposes of resolving trespass on state forest lands; amending RCW 76.12.120 and 43.30.115; and adding a new section to chapter 76.12 RCW.

Referred to Committee on Natural Resources.

HB 2626 by Representatives Fisher, Mitchell and Ruderman; by request of Office of Financial Management

AN ACT Relating to the commute trip reduction tax credit; amending RCW 82.04.4453, 82.16.048, 82.04.4454, and 82.16.049; repealing 1996 c 128 s 7 (uncodified); repealing 1996 c 128 s 6 and 1994 c 270 s 6 (uncodified); providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 2627 by Representatives Cody, Parlette, D. Sommers, Tokuda, Edmonds, Pflug, Schual-Berke, Keiser, Ruderman, Kenney, Haigh and O'Brien

AN ACT Relating to the long-term care integration reform act; adding a new section to chapter 43.20A RCW; adding a new chapter to Title 43 RCW; creating a new section; repealing RCW 74.39.001, 74.39.005, 74.39.030, 74.39A.005, and 74.39A.007; providing expiration dates; and declaring an emergency.

Referred to Committee on Health Care.

HB 2628 by Representatives Linville and G. Chandler

AN ACT Relating to colostrum milk; and amending RCW 15.36.151.

Referred to Committee on Agriculture & Ecology.

HB 2629 by Representatives Romero, Wolfe and Tokuda; by request of Commissioner of Public Lands

AN ACT Relating to exchanging administrative and light industrial facilities and land by the department of natural resources; and amending RCW 79.08.250.

Referred to Committee on Natural Resources.

HB 2630 by Representatives Anderson, Schoesler, Mastin and Linville; by request of Commissioner of Public Lands

AN ACT Relating to warehouse receipts; and amending RCW 79.12.600.

Referred to Committee on Natural Resources.

HB 2631 by Representatives Bush, McIntire, Hatfield, McDonald, Constantine, Reardon, Cooper, Keiser, Murray, Wolfe, Sullivan, Kessler, Schual-Berke, Ruderman, Rockefeller, Kenney, Edmonds, Cody, Santos, Conway, Morris, Lovick, O'Brien, Kagi, Stensen, Lantz, Wood, Hurst, Poulsen and Anderson; by request of Attorney General

AN ACT Relating to the privacy of personal information in commercial transactions involving financial institutions and others who maintain and transfer information; amending RCW 19.16.250; adding a new section to chapter 9.35 RCW; adding a new chapter to Title 19 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 2632 by Representatives McMorris, O'Brien, Schoesler, Eickmeyer and Campbell

AN ACT Relating to

Referred to Committee on Commerce & Labor.

HB 2633 by Representatives B. Chandler, O'Brien, McMorris, Wood, Conway, Clements and Hurst

AN ACT Relating to registration of structural engineers; and amending RCW 18.43.040.

Referred to Committee on Commerce & Labor.

HB 2634 by Representatives Romero, Fisher, DeBolt and Boldt

AN ACT Relating to standards for emergency load restrictions on state and local highways; amending RCW 46.44.080; adding new sections to chapter 46.44 RCW; and providing an expiration date.

Referred to Committee on Transportation.

HB 2635 by Representatives Romero, Wolfe and Haigh

AN ACT Relating to special elections to authorize increases in taxes, rates, or other monetary charges as required by Initiative Measure No. 695; adding a new section to chapter 29.13 RCW; and creating a new section.

Referred to Committee on State Government.

HB 2636 by Representatives Schual-Berke, Conway, Kenney, Haigh and O'Brien; by request of Department of Social and Health Services

AN ACT Relating to long-term care training; amending RCW 18.20.010, 70.128.005, 70.128.120, 70.128.130, 74.39A.005, and 74.39A.050; adding a new section to chapter 18.20 RCW; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health Care.

HB 2637 by Representatives Tokuda, Conway, Cody, Schual-Berke, McIntire, Campbell, Rockefeller, Kenney, Haigh, O'Brien, Kagi, Hurst, Anderson and Van Luven; by request of Department of Social and Health Services

AN ACT Relating to background checks on persons in contact with vulnerable adults; amending RCW 43.43.832 and 43.20A.710; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 2638 by Representatives Schual-Berke, Cody, Reardon, Dickerson, Miloscia, Kagi, Tokuda, Edwards, Kenney, O'Brien, Kessler, Lantz, Santos, Haigh, Ogden, Lovick, Constantine, Keiser, Murray, McIntire, Ruderman, Rockefeller, Stensen and Anderson

AN ACT Relating to the establishment of the kids get care pilot project; creating new sections; and making an appropriation.

Referred to Committee on Health Care.

HB 2639 by Representatives Dickerson, Hurst, McDonald, Lantz, O'Brien, Kastama, Constantine, Lovick, H. Sommers, Campbell and Edmonds

AN ACT Relating to statements made by vulnerable adults; and adding a new section to chapter 10.58 RCW.

Referred to Committee on Judiciary.

HB 2640 by Representatives Ogden, Carlson and Lantz; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to changing references to the Washington archaeological research center to the office of archaeology and historic preservation; and amending RCW 27.53.020, 27.53.070, and 27.53.080.

Referred to Committee on Economic Development, Housing & Trade.

HB 2641 by Representatives Fisher, Mitchell, Dickerson, Constantine, Cooper, Murray, McIntire, Kessler, Schual-Berke, Rockefeller, Kenney, Edmonds, Haigh, Morris, Lovick, O'Brien, Scott, Kagi, Lantz, Hurst, Poulsen and Anderson

AN ACT Relating to creation of a joint task force on ferries; and creating new sections.

Referred to Committee on Transportation.

HB 2642 by Representatives Ogden, Carlson, Scott and Ruderman

AN ACT Relating to independent commissions to set salaries for city and town mayors and councilmembers; amending RCW 35.22.200; adding a new section to chapter 35.21 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 2643 by Representatives Gombosky, D. Sommers, Wood, Tokuda, Constantine, Keiser, Murray, McIntire, Kessler, Ruderman, Kenney, Santos and Conway

AN ACT Relating to assisting eligible families to find housing and jobs through community voice mail services; amending RCW 80.36.005, 80.36.410, 80.36.420, 80.36.430, 80.36.440, 80.36.450, 80.36.460, 80.36.470, and 80.36.475; adding a new section to chapter 80.36 RCW; creating a new section; recodifying RCW 80.36.005; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2644 by Representatives Delvin, Grant, Hankins, Linville and G. Chandler

AN ACT Relating to the restoration and redevelopment of unfinished nuclear power project sites for purposes of economic development, providing for sufficient water supply for restoration and redevelopment of such sites; and amending RCW 80.50.300.

Referred to Committee on Agriculture & Ecology.

HB 2645 by Representatives Buck, Sullivan, Rockefeller and O'Brien

AN ACT Relating to the provision of telecommunication facilities and services by public utility districts; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2646 by Representative Buck

AN ACT Relating to the Columbia River Natural Resources Management Compact; adding a new chapter to Title 75 RCW; and providing a contingent effective date.

Referred to Committee on Natural Resources.

HB 2647 by Representatives Reardon, Scott, Cooper, Conway, Linville, Cairnes, Dunshee, Kagi, Campbell, Sullivan, Keiser, Kenney, Santos, Haigh and Hurst

AN ACT Relating to safety devices for flaggers; adding a new section to chapter 49.17 RCW; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2648 by Representatives Miloscia, Romero and D. Schmidt; by request of Secretary of State

AN ACT Relating to quality awards; amending RCW 43.07.290; adding a new section to chapter 43.06 RCW; recodifying RCW 43.07.290; and repealing RCW 43.07.295.

Referred to Committee on State Government.

HB 2649 by Representatives Wolfe, Radcliff and Ruderman; by request of Department of Information Services

AN ACT Relating to providing information services to public benefit nonprofit corporations; amending RCW 43.105.052; and adding a new section to chapter 39.24 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2650 by Representatives Romero, McMorris, Campbell, Dunshee, Lambert, D. Schmidt, Kenney and Miloscia; by request of Department of General Administration

AN ACT Relating to interagency transfers of state surplus personal property; and amending RCW 43.19.1919 and 43.09.210.

Referred to Committee on State Government.

HB 2651 by Representatives Lambert, Carrell, Esser, Keiser and Hurst

AN ACT Relating to driving or physical control of a vehicle while under the influence of intoxicating liquor or any drug; amending RCW 9.94A.185, 9.94A.230, 46.20.720, 46.61.502, 46.61.504, and 46.61.5151; reenacting and amending RCW 9.94A.030, 9.94A.320, 9.94A.360, and 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2652 by Representative Kastama

AN ACT Relating to the mobile home landlord-tenant act; and amending RCW 59.20.030, 59.20.070, 59.20.073, and 59.20.080.

Referred to Committee on Economic Development, Housing & Trade.

HB 2653 by Representative Kastama

AN ACT Relating to enacting the emergency management assistance compact; and adding a new chapter to Title 38 RCW.

Referred to Committee on State Government.

HB 2654 by Representative Wood

AN ACT Relating to paying commissioned sales representatives; and amending RCW 49.48.150 and 49.48.160.

Referred to Committee on Commerce & Labor.

HB 2655 by Representatives Kastama, Ruderman and Lantz

AN ACT Relating to the geographical relocation of children; amending RCW 26.09.260; and creating a new section.

Referred to Committee on Judiciary.

HB 2656 by Representatives Kagi, Benson, Cody, Regala, Edmonds, Edwards, Schual-Berke, Murray, Kessler, Conway, Lovick and O'Brien

AN ACT Relating to addressing health problems that significantly increase energy needs; adding a new section to chapter 82.16 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2657 by Representatives B. Chandler, Conway, Clements and Wood

AN ACT Relating to allowing a licensed distiller to hold a spirits, beer, and wine license; and reenacting and amending RCW 66.28.010.

Referred to Committee on Commerce & Labor.

HB 2658 by Representatives Romero and Haigh

AN ACT Relating to the use of the design-build procedure to award contracts for the design, fabrication, and installation of building engineering systems; and adding a new section to chapter 39.10 RCW.

Referred to Committee on State Government.

HB 2659 by Representatives Edmonds and Pflug

AN ACT Relating to changes to the nursing facility payment system; amending RCW 74.46.410, 74.46.421, 74.46.431, 74.46.515, and 74.46.521; reenacting and amending RCW 74.46.511; and adding a new section to chapter 74.46 RCW.

Referred to Committee on Health Care.

HB 2660 by Representatives Huff, H. Sommers, Hatfield and Benson; by request of State Investment Board

AN ACT Relating to criminal history record checks of finalist candidates for certain staff positions of the state investment board; and amending RCW 43.33A.025.

Referred to Committee on Appropriations.

HB 2661 by Representatives H. Sommers, Huff, Hatfield and Benson; by request of State Investment Board

AN ACT Relating to the state investment board; and amending RCW 43.03.130.

Referred to Committee on Appropriations.

HB 2662 by Representatives Haigh, Quall, Talcott, Keiser, Rockefeller and Santos

AN ACT Relating to gathering and maintaining teacher education and experience information; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 2663 by Representatives Alexander, Schual-Berke, Parlette, Cody, Reardon, Ericksen, Morris, Tokuda, Benson, Doumit, Pflug, Kessler, Ruderman, Rockefeller, Edmonds, Santos, O'Brien, Hurst and Esser

AN ACT Relating to the distribution of atypical antipsychotic medications to underserved populations; adding a new section to chapter 71.24 RCW; and making an appropriation.

Referred to Committee on Health Care.

HB 2664 by Representatives Alexander, Cody, Parlette, Huff, Reardon, Benson, Boldt, Pflug and Mulliken

AN ACT Relating to administrative costs of mental health services; and amending RCW 71.24.035.

Referred to Committee on Health Care.

HB 2665 by Representatives Quall, Constantine, Keiser, Murray, Sullivan, Kenney, Haigh, Conway, Lovick, O'Brien and Kagi; by request of Governor Locke

AN ACT Relating to authorizing a local school district regular levy for the purpose of enhancing kindergarten through twelfth grade education by reducing class sizes and improving educational programs, to be allowed as a credit against the state property tax levy; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Education.

HB 2666 by Representatives Quall, Constantine, Keiser, McIntire, Kessler, Ruderman, Kenney, Edmonds, Cody, Haigh, Conway, Lovick, O'Brien, Carlson, Scott, Kagi, Stensen, Lantz, Wood, Hurst and Anderson; by request of Governor Locke and Superintendent of Public Instruction

AN ACT Relating to salary bonuses for teachers attaining certification by the national board for professional teaching standards; adding a new section to chapter 28A.405 RCW; and creating a new section.

Referred to Committee on Education.

HB 2667 by Representatives Veloria, Clements, Conway, G. Chandler, Gombosky, Dunn, Cooper, Campbell, Kenney and Buck

AN ACT Relating to prompt payment for goods and services provided to the state of Washington; adding a new chapter to Title 39 RCW; and providing an effective date.

Referred to Committee on State Government.

HB 2668 by Representatives Cooper, Reardon, Conway, Wood, Gombosky, Keiser, Haigh and O'Brien

AN ACT Relating to restrictions on public passenger transportation system agreements for services by private entities; adding a new section to chapter 41.56 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 2669 by Representatives Cody, McDonald, Conway, Campbell, Clements, Cooper, Dunn, Boldt, Wood, Edmonds, Reardon, Ruderman, Linville, Delvin, Dickerson, Constantine, Keiser, McIntire, Sullivan, Kessler, Rockefeller, Kenney, Santos, Haigh, Lovick, Kagi, Stensen, Lantz and Hurst

AN ACT Relating to needlesticks and sharps protections; adding a new section to chapter 49.17 RCW; and creating a new section.

Held on first reading.

HB 2670 by Representatives Delvin, Linville, G. Chandler and Hankins

AN ACT Relating to financial assurance requirements for landfill disposal facilities; and amending RCW 70.95.215.

Referred to Committee on Agriculture & Ecology.

HB 2671 by Representatives Thomas, Dunshee and Fortunato

AN ACT Relating to tax information on customer billings; amending RCW 82.16.090; adding new sections to chapter 82.32A RCW; and recodifying RCW 82.16.090.

Referred to Committee on Finance.

HB 2672 by Representatives Radcliff, Keiser, Ruderman, O'Brien and Esser

AN ACT Relating to commercial telephone solicitation; amending RCW 19.158.110; adding new sections to chapter 43.10 RCW; and adding a new section to chapter 19.158 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2673 by Representatives Lambert, Ruderman, Cox, McIntire, Carrell, Edwards, Sump, Miloscia, Woods, Romero, Bush, Stensen, Esser, Keiser, Rockefeller, Morris, Koster, Edmonds, Ericksen, Lantz, Mulliken, Campbell and O'Brien

AN ACT Relating to restrictions on mailing by legislators; and amending RCW 42.52.185.

Referred to Committee on State Government.

HB 2674 by Representatives Lambert and Delvin

AN ACT Relating to the wholesale and retail sale and distribution of alcoholic beverages; amending RCW 66.04.010, 66.08.020, 66.08.026, 66.08.030, 66.08.050, 66.08.090, 66.08.095, 66.12.110, 66.12.120, 66.12.140, 66.16.040, 66.16.100, 66.16.110, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.24.160, 66.24.210, 66.24.290, 66.24.310, 66.24.360, 66.24.371, 66.24.380, 66.24.540, 66.28.030, 66.28.060, 66.28.180, 66.28.190, 66.40.140, 66.44.150, 66.44.160, 66.44.318, 66.44.340, and 66.08.170; reenacting and amending RCW 66.28.040 and 66.28.070; adding new sections to chapter 66.24 RCW; adding a new section to chapter 66.28 RCW; adding a new section to chapter 66.44 RCW; adding new sections to chapter 66.08 RCW; creating a new section; repealing RCW 66.08.070, 66.08.160, 66.08.235, 66.12.020, 66.16.010, 66.16.030, 66.16.041, 66.16.050, 66.16.060, 66.16.070, 66.16.080, 66.16.090, 66.20.160, 66.24.440, 66.32.010, and 66.44.120; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2675 by Representatives Skinner, Schual-Berke, Mitchell, Fisher, McDonald, Ruderman, O'Brien and Hurst

AN ACT Relating to child passenger restraint systems; amending RCW 46.61.687 and 46.61.688; adding new sections to chapter 46.61 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2676 by Representatives McDonald and Lantz

AN ACT Relating to updating and clarifying the Washington state explosives act; and creating new sections.

Referred to Committee on Judiciary.

HB 2677 by Representatives Wolfe, Alexander, O'Brien, Ballasiotes, Lovick, Morris, Wensman, Cody, D. Schmidt, Reardon, Ruderman and Kagi

AN ACT Relating to eligibility for deferred prosecution; and amending RCW 10.05.010.

Referred to Committee on Judiciary.

HB 2678 by Representatives Wolfe, Ballasiotes, O'Brien, Wensman, Lovick, Cody, Edwards, D. Schmidt, Reardon, Ruderman, Campbell, Rockefeller and Hurst

AN ACT Relating to the dissemination of information regarding sex offenders; and amending RCW 4.24.550 and 4.24.5501.

Referred to Committee on Criminal Justice & Corrections.

HB 2679 by Representatives Wolfe, Romero, Kessler, Haigh and O'Brien

AN ACT Relating to early retirement for certain members of the public employees' retirement system; and creating new sections.

Referred to Committee on Appropriations.

HB 2680 by Representatives Wolfe, Stensen and Lovick

AN ACT Relating to the sealing and destruction of juvenile offense records; and amending RCW 13.50.050.

Referred to Committee on Judiciary.

HB 2681 by Representatives Wolfe, Cody, Reardon, Ruderman, Kagi, Romero, Stensen, Haigh and Van Luven

AN ACT Relating to bone marrow donation; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care.

HB 2682 by Representatives Kenney, Carlson, Dunn, Skinner, Radcliff, McIntire, Edmonds, Stensen, Veloria, Dickerson, Kessler, Ruderman, Santos, Lovick, Kagi and Lantz

AN ACT Relating to higher education opportunities for certain young people enrolled in assistance programs; amending RCW 74.08A.250; and creating new sections.

Held on first reading.

HB 2683 by Representatives Conway, Cody, Haigh and O'Brien; by request of Department of Social and Health Services

AN ACT Relating to the protection of patients in state hospitals; amending RCW 72.23.010, 72.23.020, 70.124.060, 70.124.070, 70.124.090, and 70.124.100; amending 1992 c 230 s 3 (uncodified); adding new sections to chapter 72.23 RCW; recodifying RCW 70.124.060, 70.124.070, 70.124.090, 70.124.100, and 70.124.900; and repealing RCW 70.124.010, 70.124.020, 70.124.030, 70.124.040, 70.124.050, and 70.124.080.

Referred to Committee on Health Care.

HB 2684 by Representatives D. Sommers and Tokuda; by request of Department of Social and Health Services

AN ACT Relating to records that are accessible by the department of social and health services; amending RCW 71.34.200 and 70.02.050; reenacting and amending RCW 26.44.030; adding a new section to chapter 26.44 RCW; and adding a new section to chapter 74.13 RCW.

Held on first reading.

HB 2685 by Representatives D. Sommers, Tokuda and O'Brien; by request of Department of Social and Health Services

AN ACT Relating to criminal history background checks; and amending RCW 74.15.030.

Held on first reading.

HB 2686 by Representatives Tokuda and D. Sommers; by request of Department of Social and Health Services

AN ACT Relating to definitions of income and resources; and reenacting and amending RCW 74.04.005.

Referred to Committee on Children & Family Services.

HB 2687 by Representatives Reardon, Pennington, Gombosky, Mielke, McMorris, Cox, Wood, Conway, Cooper, Ogden, Radcliff, Dickerson, Kessler, Murray, Ruderman, Rockefeller, Cody, Morris, Lovick, Kastama, Scott, Stensen, Lantz and Anderson

AN ACT Relating to community revitalization financing; amending RCW 84.52.043, 84.52.065, 84.52.067, 36.33.220, 36.79.140, 36.82.040, 46.68.124, 82.03.130, 35.87A.010, 82.14.050, and 35.80.030; adding a new section to chapter 82.14 RCW; adding a new section to chapter 27.12 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.75 RCW; adding a new section to chapter 52.12 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 67.38 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 84.55 RCW; adding a new section to chapter 35.80 RCW; adding a new chapter to Title 82 RCW; adding a new chapter to Title 39 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Economic Development, Housing & Trade.

HB 2688 by Representatives McIntire, Carlson, Kenney, Radcliff, Conway, Clements, Tokuda, Ruderman, Edmonds and Santos

AN ACT Relating to earned income training credits; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Health Care.

HB 2689 by Representatives Constantine, Lambert, Santos, Dunshee, Dickerson, Lantz, Hurst, Murray, Barlean, Kessler, Ruderman and O'Brien

AN ACT Relating to the injury or wrongful death of a child; and amending RCW 4.24.010.

Referred to Committee on Judiciary.

HB 2690 by Representatives Ballasiotes and O'Brien

AN ACT Relating to the definition of intellectual property; and amending RCW 9.16.005.

Referred to Committee on Criminal Justice & Corrections.

HB 2691 by Representatives Pennington, Hatfield, Doumit, McIntire, Romero, Haigh, Kenney, Scott, Veloria, Santos, Miloscia, Edwards, Lantz, Murray, Cooper, Conway and Reardon

AN ACT Relating to disasters and emergencies; amending RCW 38.52.030; reenacting and amending RCW 43.79A.040; adding a new section to chapter 43.31 RCW; adding a new section to chapter 19.182 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 38.52 RCW; adding a new section to chapter 48.14 RCW; creating new sections; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Finance.

HB 2692 by Representatives Bush, G. Chandler, Mielke, Skinner, McMorris, Schoesler, Quall, Hankins, McDonald, Buck, DeBolt and Pennington

AN ACT Relating to taxation of natural or manufactured gas used for growing agricultural crops, poultry, or livestock; and amending RCW 82.12.022 and 82.16.010.

Referred to Committee on Finance.

HB 2693 by Representative Bush

AN ACT Relating to hardship waivers for vehicle owners in cases of suspended license vehicle impounds; and reenacting and amending RCW 46.55.120.

Referred to Committee on Transportation.

HB 2694 by Representatives Bush, Cooper, Mulliken and Campbell

AN ACT Relating to requiring schools to notify parents of students who are threatened or bullied at school; and adding a new section to chapter 28A.605 RCW.

Referred to Committee on Education.

HB 2695 by Representatives Bush, Koster, Lambert, Mulliken and Campbell

AN ACT Relating to removing a child from school grounds during a crisis situation; and amending RCW 28A.605.010.

Referred to Committee on Education.

HB 2696 by Representatives Bush, Veloria, Van Luven, McIntire, McDonald, Sullivan, Campbell and Kenney

AN ACT Relating to residential landlord-tenant relationships; and amending RCW 59.18.060.

Referred to Committee on Economic Development, Housing & Trade.

HB 2697 by Representatives Benson and McDonald

AN ACT Relating to payment of interest on mortgage escrow accounts; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2698 by Representative Dunn

AN ACT Relating to excess levies imposed to finance common schools; amending RCW 84.52.053; and providing a contingent effective date.

Referred to Committee on Education.

HB 2699 by Representatives Dunn, Ogden, McDonald and Stensen

AN ACT Relating to Indian adoptions; amending RCW 26.33.020; and adding a new section to chapter 26.33 RCW.

Referred to Committee on Children & Family Services.

HB 2700 by Representatives Dunn and Boldt

AN ACT Relating to revenue sources for transportation-related capital purposes; adding a new section to chapter 43.79 RCW; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2701 by Representatives Dunn, O'Brien, Mielke, Boldt, Pennington, Koster, Sump, Lisk, Veloria, Delvin, Mulliken, McDonald, Campbell and Conway

AN ACT Relating to the senior citizens property tax exemption; and amending RCW 84.36.381.

Referred to Committee on Finance.

HB 2702 by Representatives Dunn, Mielke, O'Brien, Boldt, Lisk, Stensen, Schoesler and Mulliken

AN ACT Relating to state agency use of computers and software; adding a new section to chapter 2.04 RCW; adding a new section to chapter 2.06 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 43.17 RCW; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State Government.

HB 2703 by Representatives Dunn, Boldt, Mielke and Delvin

AN ACT Relating to a sales and use tax exemption for certain state highway components and services; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Transportation.

HB 2704 by Representatives Dunn, Boldt, Koster, Sump, D. Sommers, Schoesler, Delvin, Mielke, Mulliken and Esser

AN ACT Relating to a freeze on state agency employment and floor space; adding a new section to chapter 2.04 RCW; adding a new section to chapter 2.06 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 43.17 RCW; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State Government.

HB 2705 by Representatives Dunn, Veloria, Boldt, Mielke, Delvin and Rockefeller

AN ACT Relating to public dissemination of information regarding persons convicted of a crime; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 2706 by Representatives Dunn, Koster, Boldt, McMorris, Cairnes, Schindler, Lambert, Mielke, Campbell, Buck, Mulliken, Bush and Sullivan

AN ACT Relating to actions against the firearms industry; adding new sections to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2707 by Representatives Kagi, Ballasiotes, O'Brien, Lovick, Constantine, Ruderman, McIntire, Dickerson, Murray, Schual-Berke, Edmonds, Santos and Lantz

AN ACT Relating to the sale of firearms at gun shows and events; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Held on first reading.

HB 2708 by Representatives Clements, Delvin, McDonald, Kessler, O'Brien and Hurst

AN ACT Relating to life insurance for families of law enforcement officers and fire fighters killed in the line of duty; adding a new section to chapter 41.05 RCW; and making an appropriation.

Referred to Committee on Appropriations.

HJM 4020 by Representatives Wensman, Quall, Cox, Keiser, Talcott, Rockefeller, Thomas, Haigh, Carlson, Schindler, D. Schmidt, Sump, Mulliken, Benson, Barlean, H. Sommers, Pennington, Lisk, Dunn, Delvin, McDonald, Schual-Berke, O'Brien and Esser

Requesting parental involvement with the education of special education students.

Referred to Committee on Education.

HJM 4021 by Representatives Linville, G. Chandler, Dickerson, Kessler, Cody, Lovick, Lantz, Wood and Anderson

Requesting Congress to enact certain legislation regarding commercial fertilizer.

Referred to Committee on Agriculture & Ecology.

HJR 4212 by Representatives Dunn and O'Brien

Allowing school districts to impose maintenance and operation taxes for up to ten years.

Referred to Committee on Education.

ESSB 5019 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Patterson, Thibaudeau and McAuliffe)

Changing provisions relating to opiate substitution treatment programs.

Referred to Committee on Children & Family Services.

SSB 5027 by Senate Committee on Judiciary (originally sponsored by Senators Goings and Swecker)

Providing for control of dangerous dogs.

Referred to Committee on Criminal Justice & Corrections.

SB 5053 by Senators Fairley, Goings, Oke and Costa

Including parents under the age of eighteen in the crime of assault against a child.

Referred to Committee on Criminal Justice & Corrections.

SSB 5065 by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Goings, Deccio, Honeyford, Winsley, Rossi, Hochstatter, Oke and Costa)

Revoking driving privileges for alcohol violations until the person is age twenty-one.

Referred to Committee on Judiciary.

SB 5084 by Senators Hargrove and Long

Modifying the procedure for determining the administrative costs allowed for the community public health and safety networks.

Referred to Committee on Children & Family Services.

SB 5100 by Senators Haugen, Sellar, Spanel, Gardner, Heavey, Benton, Oke, B. Sheldon and Kohl-Welles

Regulating ferry queues.

Referred to Committee on Transportation.

SSB 5103 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Haugen, Swecker, Jacobsen, Fraser, Spanel, Morton and Rasmussen)

Changing provisions relating to the state's coastal zone program.

Referred to Committee on Agriculture & Ecology.

SSB 5112 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Winsley, Thibaudeau, Wojahn, McAuliffe, Deccio, Prentice, Costa, Rasmussen, Fraser, Brown, McCaslin, Patterson, Spanel, Eide, Kline, Bauer, Loveland, Jacobsen, Goings, Hale, Swecker, Haugen, Fairley, Gardner, B. Sheldon, Rossi, Johnson and Kohl-Welles)

Regulating health insurance benefits for mastectomies.

Referred to Committee on Health Care.

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

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

There being no objection, the Rules Committee was relieved of the following bills, and the bill were referred to the committees so designated.

SHB 1385 by Committee on Transportation (originally sponsored by Representatives O'Brien, K. Schmidt, Fisher, Sheahan, Cooper, Lovick, Scott and Delvin)

AN ACT Relating to restricting the use of automated traffic enforcement systems; amending RCW 46.63.030; adding a new section to chapter 46.63 RCW; and creating new sections.

Referred to the Committee on Transportation.

HB 2524 by Representatives Boldt, Mielke, McMorris, Pennington, G. Chandler, D. Sommers and Dunn

AN ACT Relating to community-based services for persons with developmental disabilities; amending RCW 71A.12.010, 71A.12.120, 71A.14.030, 71A.14.040, 71A.14.050, 71A.14.060, 71A.14.070, 71A.14.080, and 71A.14.090; and adding a new section to chapter 71A.14 RCW.

Referred to the Committee on Children and Family Services.

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

There being no objection, the House adjourned until 10:00 a.m., Wednesday, January 19, 2000, the 10th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDRER, Chief Clerk FRANK CHOPP, Speaker

NINTH DAY, JANUARY 18, 2000

JOURNAL OF THE HOUSE

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

TENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 19, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Leah Hafterson and Kim Klein. Prayer was offered by Pastor Mary McGonigal, Lacey Presbyterian Church, Lacey.

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

RESOLUTION

HOUSE RESOLUTION NO. 2000-4717, by Representatives Radcliff, Mitchell, Miloscia, D. Schmidt, Wensman, Hatfield, Doumit, Kessler, Carlson, Fortunato, Dunn, Tokuda and Kagi

WHEREAS, Weyerhaeuser Company was founded in Tacoma, Washington on January 18, 1900; and

WHEREAS, Weyerhaeuser Company has grown to be an international forest products company employing forty-five thousand people in thirteen countries; and

WHEREAS, Weyerhaeuser's home is Washington State, with nearly nine thousand employees dedicated to producing and delivering high-quality forest products; and

WHEREAS, Weyerhaeuser's Clemons Tree Farm, near Montesano, was designated as America's first certified tree farm in 1941, promoting the long-term stewardship and care of the state's productive forests; and

WHEREAS, Weyerhaeuser is a pioneer in sustainable forestry practices and currently owns and manages about one and one-half million acres of timberland in Washington; and

WHEREAS, Weyerhaeuser is recognized as a global leader in environmentally responsible manufacturing; and

WHEREAS, Weyerhaeuser Company will be celebrating its centennial on January 18, 2000; and

WHEREAS, Weyerhaeuser's theme is, "The future is growing"; and

WHEREAS, Governor Gary Locke has proclaimed January 18, 2000, as Weyerhaeuser Company Centennial Day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Weyerhaeuser Company in reaching its centennial milestone; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Weyerhaeuser Company.

Representative Radcliff moved adoption of the resolution.

Representatives Radcliff, Schoesler, Miloscia, Mitchell, Regala and Lantz spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4717 was adopted.

The Speaker (Representative Pennington) introduced U. S. Senator Patty Murray. Senator Murray addressed the Chamber.

INTRODUCTIONS AND FIRST READING

HB 2588 by Representatives Tokuda, D. Sommers, Kagi, Boldt, Kenney, Dickerson, Ogden, Veloria, Haigh, Santos and Romero

AN ACT Relating to domestic violence fatality reviews; and adding a new chapter to Title 43 RCW.

Held on first reading from January 17, 2000.

HB 2669 by Representatives Cody, McDonald, Conway, Campbell, Clements, Cooper, Dunn, Boldt, Wood, Edmonds, Reardon, Ruderman, Linville, Delvin, Dickerson, Constantine, Keiser, McIntire, Sullivan, Kessler, Rockefeller, Kenney, Santos, Haigh, Lovick, Kagi, Stensen, Lantz and Hurst

AN ACT Relating to needlesticks and sharps protections; adding a new section to chapter 49.17 RCW; and creating a new section.

Held on first reading from January 18, 2000.

HB 2682 by Representatives Kenney, Carlson, Dunn, Skinner, Radcliff, McIntire, Edmonds, Stensen, Veloria, Dickerson, Kessler, Ruderman, Santos, Lovick, Kagi and Lantz

AN ACT Relating to higher education opportunities for certain young people enrolled in assistance programs; amending RCW 74.08A.250; and creating new sections.

Held on first reading from January 18, 2000.

HB 2684 by Representatives D. Sommers and Tokuda; by request of Department of Social and Health Services

AN ACT Relating to records that are accessible by the department of social and health services; amending RCW 71.34.200 and 70.02.050; reenacting and amending RCW 26.44.030; adding a new section to chapter 26.44 RCW; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 2685 by Representatives D. Sommers, Tokuda and O'Brien; by request of Department of Social and Health Services

AN ACT Relating to criminal history background checks; and amending RCW 74.15.030.

Referred to Committee on Children & Family Services.

HB 2707 by Representatives Kagi, Ballasiotes, O'Brien, Lovick, Constantine, Ruderman, McIntire, Dickerson, Murray, Schual-Berke, Edmonds, Santos, Lantz, Edwards, Anderson and H. Sommers

AN ACT Relating to the sale of firearms at gun shows and events; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2709 by Representatives Tokuda, Talcott, D. Sommers, McIntire, Cairnes, Anderson, Ruderman, Mitchell, Delvin, Kagi and Kenney

AN ACT Relating to establishing a foster parent retention pilot program; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Children & Family Services.

HB 2710 by Representatives Lambert, Delvin, Lovick, Hurst, Esser, Carrell, Boldt, Rockefeller and Mulliken

AN ACT Relating to restricting the use of the term "sheriff"; and adding a new section to chapter 36.28 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2711 by Representatives Lambert, Hurst and Koster

AN ACT Relating to the kinds of animals to which certain theft of livestock statutes apply; amending RCW 9A.56.080; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2712 by Representatives Lambert, Lovick, Rockefeller, Woods, Haigh, Cox, Ruderman and Fortunato

AN ACT Relating to sexual misconduct with a minor; amending RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2713 by Representatives Constantine, Hurst, Haigh and Conway

AN ACT Relating to mandatory arbitration; and amending RCW 7.06.010 and 36.18.016.

Referred to Committee on Judiciary.

HB 2714 by Representatives Pennington, Mielke and Hatfield

AN ACT Relating to warm water game fish; amending RCW 75.46.170; adding new sections to chapter 77.44 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 2715 by Representatives O'Brien, Ballasiotes and H. Sommers

AN ACT Relating to preconviction and postconviction probation or supervision services for persons charged with or convicted of misdemeanors; adding new sections to chapter 9.95 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2716 by Representatives Delvin, Lovick, O'Brien and Hurst

AN ACT Relating to vehicle impounds; amending RCW 46.55.010, 46.55.100, 46.55.110, 46.55.113, and 46.70.180; reenacting and amending RCW 46.55.120; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2717 by Representatives Ballasiotes, O'Brien, Kagi, Regala, Schoesler, Lovick, Koster, Delvin, Cairnes and Hurst; by request of Criminal Justice Training Commission

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

Referred to Committee on Criminal Justice & Corrections.

HB 2718 by Representatives Sullivan, Romero, Haigh, Dickerson, Constantine, Santos, Keiser, Cody, Doumit, Anderson, Ruderman, O'Brien, Lovick, Tokuda, Stensen, Kagi, Kenney, Ogden and Rockefeller

AN ACT Relating to the return and reuse of beverage containers; amending RCW 70.132.010 and 70.132.020; and adding new sections to chapter 70.132 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2719 by Representatives Ericksen, Linville, Sump, Koster, Regala, Lambert, Morris, Eickmeyer, Anderson, Fortunato, Haigh, G. Chandler, Kagi and Rockefeller

AN ACT Relating to providing immunity for placement of large woody debris into streams; and adding a new section to chapter 75.46 RCW.

Referred to Committee on Natural Resources.

HB 2720 by Representatives Ericksen and Pennington

AN ACT Relating to cougar hunting authorized by county legislative authorities; amending RCW 77.16.360; adding a new section to chapter 77.04 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 2721 by Representatives Morris, Schoesler, Grant, Mastin, Quall, Dunn and Anderson

AN ACT Relating to venue of actions by or against counties; and amending RCW 36.01.050.

Referred to Committee on Judiciary.

HB 2722 by Representatives Kenney, Carlson and Esser; by request of University of Washington

AN ACT Relating to bargaining units for employees of institutions of higher education governed by chapter 41.56 RCW; and amending RCW 41.56.030 and 41.56.201.

Referred to Committee on Higher Education.

HB 2723 by Representatives Mielke, Pennington, Boldt and Barlean

AN ACT Relating to siting outdoor amphitheaters on public land; adding a new section to chapter 36.70A RCW; and declaring an emergency.

Referred to Committee on Local Government.

HB 2724 by Representatives Mielke, Boldt, Barlean and Campbell

AN ACT Relating to providing for the election of library trustees; amending RCW 27.12.190, 27.12.010, 27.12.040, 27.12.050, 27.12.130, 27.12.420, and 27.12.470; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Local Government.

HB 2725 by Representatives Mielke, Boldt, Carrell, Campbell, Sump and Fortunato

AN ACT Relating to limiting taxes; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Finance.

HB 2726 by Representatives Cooper, Campbell, Linville, Barlean, Dickerson, Stensen, Schual-Berke, Reardon, Romero, Sullivan, Lovick, Gombosky, Santos, Regala, Fisher, Scott, Keiser, Conway, Voloria, Dunshee, Anderson, Ruderman, O'Brien, Hurst, Constantine, Haigh, Edmonds, Wood, Kagi, Kenney and Rockefeller

AN ACT Relating to minimizing the use of pesticides in and around certain facilities; amending RCW 17.21.020; adding new sections to chapter 17.21 RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2727 by Representatives Romero, Dickerson, McIntire, Fortunato, Voloria, Kenney and Santos

AN ACT Relating to public employee benefits and work schedules; amending RCW 41.40.180, 41.40.630, 41.26.190, 41.26.520, 41.32.260, 41.32.810, 41.32.865, 41.35.470, 41.35.650, 41.40.170, 41.40.710, 43.43.260, and 43.43.130; adding a new chapter to Title 41 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 2728 by Representatives Dickerson, Keiser, Ogden, Lantz, Santos, Cooper, Kenney, Schual-Berke, Kagi, Murray, Edmonds, Constantine, Romero, Tokuda, Kessler and H. Sommers

AN ACT Relating to leave to care for a child; amending RCW 50.29.020, 49.78.005, and 49.78.070; adding a new section to chapter 50.20 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2729 by Representatives Clements, Dickerson, Lisk, B. Chandler and Thomas

AN ACT Relating to personal service contracts entered into by state agencies; amending RCW 39.29.006 and 39.29.040; and adding a new section to chapter 39.29 RCW.

Referred to Committee on State Government.

HB 2730 by Representatives Dickerson, Ballasiotes and O'Brien

AN ACT Relating to sealing and storage of juvenile records; and amending RCW 13.50.050, 40.14.020, and 40.14.070.

Referred to Committee on Judiciary.

HB 2731 by Representatives Linville and G. Chandler

AN ACT Relating to motor vehicle emission inspections; and amending RCW 46.16.015.

Referred to Committee on Transportation.

HB 2732 by Representatives Miloscia, O'Brien, Ballasiotes and Anderson

AN ACT Relating to the collection of DNA samples from convicted felons; amending RCW 43.43.754; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 2733 by Representatives Wensman, Mastin, Skinner, Rockefeller and Santos

AN ACT Relating to representation of persons subject to traffic infraction proceedings; and amending RCW 46.63.080.

Referred to Committee on Judiciary.

HB 2734 by Representatives Alexander, Campbell, Cody, Parlette and Rockefeller; by request of Washington Health Care Facilities Authority

AN ACT Relating to public health facilities; and amending RCW 70.37.020.

Referred to Committee on Health Care.

HB 2735 by Representatives B. Chandler, G. Chandler, Linville, Clements, Lisk and Sump

AN ACT Relating to clarifying "voluntarily fails" for water rights relinquishment purposes; and amending RCW 90.14.140.

Referred to Committee on Agriculture & Ecology.

HB 2736 by Representatives G. Chandler, Linville, B. Chandler, Cooper, Clements, Parlette, Lisk, Koster, Anderson, Ruderman, Sump and Schoesler

AN ACT Relating to water storage; creating a new section; and making an appropriation.

Referred to Committee on Agriculture & Ecology.

HB 2737 by Representatives Linville, B. Chandler, G. Chandler and Koster

AN ACT Relating to the dairy nutrient management task force; amending 1999 c 262 s 3 (uncodified); adding a new section to chapter 90.64 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.

HB 2738 by Representatives Dickerson, Clements, Romero and Miloscia

AN ACT Relating to state agency personal service contracting practices; amending RCW 39.29.040 and 39.29.055; adding new sections to chapter 39.29 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 2739 by Representatives Parlette, Cody, Talcott, Quall, Carlson and Kenney

AN ACT Relating to which health professionals may sign a request to have oral medication administered by school employees; and amending RCW 28A.210.260 and 28A.210.270.

Referred to Committee on Education.

HB 2740 by Representatives Romero, Fisher, Cody, Sullivan, McDonald, Delvin, O'Brien, Fortunato, Haigh, Conway, Campbell, Van Luven, Scott and Santos

AN ACT Relating to transportation services for disabled persons and veterans and their dependents; and adding new sections to chapter 47.06B RCW.

Referred to Committee on Transportation.

HB 2741 by Representatives Campbell, Cooper, Dickerson and Bush

AN ACT Relating to pesticide tracking; adding new sections to chapter 17.21 RCW; adding a new section to chapter 75.46 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2742 by Representatives Carrell, O'Brien, Lambert, Esser, Cairnes, Boldt, Mielke, Benson, Talcott, Barlean, Lisk, McMorris, Mulliken, Delvin, Sump and Fortunato

AN ACT Relating to restoration of the right to possess a firearm; amending RCW 9.41.040, 9.41.010, and 9.41.047; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2743 by Representatives Ruderman, Edwards, Schual-Berke, Campbell, Cody, Pennington, Kessler, Van Luven, McIntire, Lovick, Dickerson, Kagi, Dunshee, Cooper, Murray, Kastama, Santos, Kenney, Voloria, Anderson, O'Brien, Hurst, Edmonds and Rockefeller

AN ACT Relating to prohibiting investment of public pension and retirement funds in business firms manufacturing tobacco products; amending RCW 43.33A.110, 43.33A.130, 43.33A.140, and 43.84.150; adding a new section to chapter 43.33A RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2744 by Representatives H. Sommers, Alexander, Doumit, Conway, Wolfe, Lambert, Carlson, Ogden, Romero, Eickmeyer, Hurst, Lovick, Constantine, Haigh, Cooper, Keiser, Edmonds, Delvin, Stensen, Talcott, Scott, Wood, D. Sommers, Kagi, Morris, McDonald, Campbell, Rockefeller and Santos; by request of Joint Committee on Pension Policy

AN ACT Relating to plans 2 and 3 of the state retirement systems; amending RCW 41.40.005, 41.40.010, 41.40.042, 41.40.054, 41.40.057, 41.40.062, 41.40.088, 41.40.092, 41.34.020, 41.34.030, 41.34.060, 41.34.080, 41.34.100, 41.31A.010, 41.31A.020, 41.45.010, 41.45.050, 41.45.061, 41.50.075, 41.50.500, 41.05.011, 43.33A.190, 41.26.005, and 41.26.450; reenacting and amending RCW 41.45.020, 41.45.060, 41.45.070, 41.50.088, 43.84.092, and 41.26.030; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.31A RCW; adding a new section to chapter 41.45 RCW; adding new sections to chapter 41.26 RCW; creating new sections; decodifying RCW 41.40.094; repealing RCW 41.40.650; and providing effective dates.

Referred to Committee on Appropriations.

HB 2745 by Representatives Lambert, H. Sommers, Alexander, Wolfe, Carlson, Doumit, Ogden, Conway, Delvin, Boldt, Anderson, Hurst, Lovick, Constantine, Haigh, Linville, Keiser, Edmonds, Stensen, Talcott, Scott, Wood, D. Sommers, Kagi, Morris, McDonald, Kenney, Rockefeller and Santos; by request of Joint Committee on Pension Policy

AN ACT Relating to the Washington school employees' retirement system plan 2 and plan 3; amending RCW 41.35.630, 41.45.061, and 41.05.011; and providing an effective date.

Referred to Committee on Appropriations.

HB 2746 by Representatives Schoesler, Linville, G. Chandler, Grant, B. Chandler, Doumit, Dunn, Radcliff, Cooper, Delvin, Lisk, Reardon, Cox, Regala, Mastin, Boldt and Hurst

AN ACT Relating to anhydrous ammonia; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2747 by Representatives Campbell, Bush, Talcott and Fortunato

AN ACT Relating to prohibiting the use of Internet voting; and adding a new section to chapter 29.33 RCW.

Referred to Committee on State Government.

HB 2748 by Representatives Quall, Cox, Talcott, Haigh, Thomas, Anderson, Lovick, Constantine, Regala, Linville, Keiser, Stensen, Esser, Kagi, Morris and Kenney

AN ACT Relating to creating the national board certification stipend program; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 2749 by Representatives Quall, Talcott, Haigh, Thomas, Stensen, Rockefeller, Eickmeyer, O'Brien, Lovick, Regala, Tokuda, Keiser, Edmonds, Conway, Van Luven, Wood, Kagi, Morris, Kenney, Ogden and Santos

AN ACT Relating to extended learning opportunities for struggling students; adding a new section to chapter 28A.300 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

HB 2750 by Representatives D. Schmidt, Haigh and Romero; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to defining core services for victims of sexual assault; and amending RCW 70.125.030.

Referred to Committee on Children & Family Services.

HB 2751 by Representatives Schual-Berke, Scott, Cody, Hatfield, Morris, Edwards and Edmonds

AN ACT Relating to coverage of patient costs for participation in clinical trials; adding new sections to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2752 by Representatives Haigh, Quall, Stensen, Keiser, Talcott, Fortunato, Lovick, Morris and Ogden

AN ACT Relating to creating a small schools pilot project; adding a new chapter to Title 28A RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 2753 by Representatives Schual-Berke, Mitchell, Quall, Kessler, Santos, Poulsen, Stensen, Kagi, Cody, Keiser, Miloscia, Murray, Voloria, Regala, Morris, Linville, Ogden, Constantine, Dickerson, Dunshee and Fortunato

AN ACT Relating to aircraft noise abatement; amending RCW 53.54.010, 53.54.030, 53.54.040, 53.36.020, 14.08.020, and 14.08.100; adding new sections to chapter 53.54 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2754 by Representatives Schoesler, Hankins, Thomas, Sump, G. Chandler, Skinner, Cox, Mastin, Dunn and Mulliken

AN ACT Relating to local health rules and regulations regarding communal meals and food banks; and amending RCW 70.05.060.

Referred to Committee on Health Care.

HB 2755 by Representatives Gombosky, Crouse, Wood, Poulsen, Bush, Reardon, Mielke, Grant, McDonald, Delvin and Mastin

AN ACT Relating to clarifying the taxation of electrical energy sales; amending RCW 82.16.050 and 82.04.310; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2756 by Representatives Conway, Clements, Keiser, Cooper, Kessler, Kenney, Ogden, Wood, O'Brien, Scott, Cody, Dickerson, Sullivan, McIntire, Schual-Berke, Doumit, Santos, Veloria, Ruderman, Edwards, Fisher, Reardon, Lantz, Lovick, Constantine and Tokuda

AN ACT Relating to disclosing the pay rate received by staffing agencies; amending RCW 49.12.005; adding a new section to chapter 49.12 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2757 by Representatives Schindler, Boldt, Koster and Dunn

AN ACT Relating to which workplaces are subject to safety and health standards; and amending RCW 49.17.020.

Referred to Committee on Commerce & Labor.

HB 2758 by Representatives Kagi, Ballasiotes, O'Brien and Radcliff

AN ACT Relating to court orders; amending RCW 9.94A.220, 9.94A.390, 9A.46.040, 10.14.080, 10.31.100, 10.99.020, 10.99.040, 10.99.045, 10.99.050, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.44.063, 26.44.067, 26.50.035, 26.50.060, 26.50.070, 26.50.110, and 26.50.160; reenacting and amending RCW 9.94A.320; repealing RCW 10.14.130; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2759 by Representatives Grant, Mastin, Haigh and Edwards

AN ACT Relating to public health; amending RCW 70.38.025; and creating a new section.

Referred to Committee on Health Care.

HB 2760 by Representative Quall; by request of Governor Locke

AN ACT Relating to standards for educator quality; amending RCW 28A.410.020, 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, and 28A.305.130;

reenacting and amending RCW 28A.410.010; adding new sections to chapter 28A.410 RCW; creating new sections; repealing RCW 28A.410.020; and declaring an emergency.

Referred to Committee on Education.

HJR 4213 by Representatives Romero, Cooper and Murray

Amending Article II, section 40 of the state Constitution.

Referred to Committee on Transportation.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 13, 2000

HB 1572 Prime Sponsor, Representative Wensman: Creating the Washington civil liberties public education program. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Excused: Representative(s) Schindler.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was re-referred to the Committee on Education.

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

There being no objection, House Bill No. 2688 was re-referred from the Committee on Health Care to the Committee on Higher Education.

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

There being no objection, the House adjourned until 10:00 a.m., Thursday, January 20, 2000, the 11th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TENTH DAY, JANUARY 19, 2000

JOURNAL OF THE HOUSE

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

ELEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, January 20, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Danielle Spahr and Dan Mills. Prayer was offered by Pastor Cecil Thompson, Summit Lake Community Church, Olympia.

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

MESSAGE FROM THE SENATE

January 19, 2000

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6115,

SENATE JOINT RESOLUTION NO. 8212,

and the same are herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTIONS AND FIRST READING

HB 2588 by Representatives Tokuda, D. Sommers, Kagi, Boldt, Kenney, Dickerson, Ogden, Veloria, Haigh, Santos, Romero, O'Brien, Edwards, Constantine, Rockefeller, Miloscia and McIntire

AN ACT Relating to domestic violence fatality reviews; and adding a new chapter to Title 43 RCW.

HB 2669 by Representatives Cody, McDonald, Conway, Campbell, Clements, Cooper, Dunn, Boldt, Wood, Edmonds, Reardon, Ruderman, Linville, Delvin, Dickerson, Constantine, Keiser, McIntire, Sullivan, Kessler, Rockefeller, Kenney, Santos, Haigh, Lovick, Kagi, Stensen, Lantz, Hurst, Edwards, Anderson, Parlette, O'Brien, Bush, Carrell, Ogden and Skinner

AN ACT Relating to needlesticks and sharps protections; adding a new section to chapter 49.17 RCW; and creating a new section.

HB 2682 by Representatives Kenney, Carlson, Dunn, Skinner, Radcliff, McIntire, Edmonds, Stensen, Veloria, Dickerson, Kessler, Ruderman, Santos, Lovick, Kagi, Lantz, Edwards, Anderson, O'Brien, Constantine, Regala, Keiser, Rockefeller, Miloscia, Ogden, Esser and Woods

AN ACT Relating to higher education opportunities for certain young people enrolled in assistance programs; amending RCW 74.08A.250; and creating new sections.

HB 2761 by Representatives Cox, Rockefeller, Talcott, Santos, Miloscia and Haigh

AN ACT Relating to creating a K-12 accountability and information system; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Education.

HB 2762 by Representatives Tokuda, Boldt, Pflug, Kenney and Haigh

AN ACT Relating to departmental and judicial review of decisions regarding foster children; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 2763 by Representatives Rockefeller, Talcott, Quall, Cox, Haigh, Stensen, Koster, Santos, Benson, Keiser, Skinner, Dickerson, Scott, Anderson, Conway, O'Brien, Ogden, Tokuda, Kenney, Edmonds, Cody, McDonald, Carlson, Parlette, Edwards, Lantz, Wood, Constantine, Cooper, Regala, Hurst, Woods and McIntire

AN ACT Relating to school safety allocations; adding a new chapter to Title 28A RCW; and providing an effective date.

Referred to Committee on Education.

HB 2764 by Representatives Clements, Conway, Benson, Wood and Ogden

AN ACT Relating to credit union raffles; and amending RCW 9.46.0209.

Referred to Committee on Commerce & Labor.

HB 2765 by Representatives McIntire, Mulliken, Wensman, Fisher, Ogden and Edwards

AN ACT Relating to port district revenue bonds; and amending RCW 53.40.030.

Referred to Committee on Local Government.

HB 2766 by Representatives Cairnes and Hatfield

AN ACT Relating to recreational vehicles; and amending RCW 46.44.010 and 46.44.030.

Referred to Committee on Transportation.

HB 2767 by Representatives Benson and Santos; by request of Insurance Commissioner

AN ACT Relating to exempting certain insurance documents from the filing requirements; and amending RCW 48.18.100.

Referred to Committee on Financial Institutions & Insurance.

HB 2768 by Representatives Hurst, McIntire, Radcliff, Fortunato, Lovick, Gombosky and Lambert

AN ACT Relating to enhanced card rooms; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2769 by Representatives Hurst and Stensen

AN ACT Relating to lake management districts; and amending RCW 36.61.020.

Referred to Committee on Local Government.

HB 2770 by Representatives Ruderman, Pennington, Anderson, Mielke, Cooper, Boldt, Eickmeyer, Barlean, Doumit, Gombosky, Kessler, Quall, D. Schmidt, Miloscia, Esser, Wood, Rockefeller, Hurst and McIntire

AN ACT Relating to use of high-occupancy vehicle lanes by electric-powered vehicles; and amending RCW 46.61.165 and 47.52.025.

Referred to Committee on Transportation.

HB 2771 by Representatives Mastin, Grant, Cox and Schoesler

AN ACT Relating to amendments to statements of claim in the water rights claims registry; and amending RCW 90.14.065.

Referred to Committee on Agriculture & Ecology.

HB 2772 by Representatives Hurst, Constantine, Lambert and Edwards

AN ACT Relating to requiring new courts to report their establishment to the supreme court; and amending RCW 3.50.060.

Referred to Committee on Judiciary.

HB 2773 by Representatives Constantine, Hurst and Lambert

AN ACT Relating to enforcement of court-ordered financial obligations; and adding a new section to chapter 3.66 RCW.

Referred to Committee on Judiciary.

HB 2774 by Representatives Carrell, Constantine, Esser, Fortunato, Dickerson, Mulliken and Edwards

AN ACT Relating to appointment of judges pro tempore; and amending RCW 3.50.090 and 35.20.200.

Referred to Committee on Judiciary.

HB 2775 by Representatives Lambert, Constantine, Carrell, Hurst, Lantz and Cox

AN ACT Relating to the transfer of cases from commissioners to judges; and amending RCW 3.42.030.

Referred to Committee on Judiciary.

HB 2776 by Representatives Constantine, Carrell, Lantz and Hurst

AN ACT Relating to deferred findings and collection of an administrative fee in an infraction case; and amending RCW 46.63.070.

Referred to Committee on Judiciary.

HB 2777 by Representatives D. Schmidt, Romero and Radcliff; by request of Secretary of State

AN ACT Relating to candidates for office; amending RCW 29.24.020, 29.24.030, 29.24.035, 29.24.040, 29.24.060, and 29.71.020; adding a new section to chapter 29.27 RCW; adding a new section to chapter 29.24 RCW; repealing RCW 29.24.055; and declaring an emergency.

Referred to Committee on State Government.

HB 2778 by Representatives Barlean, Lovick, Koster, Reardon, Thomas, Benson, Ericksen, Wensman, Radcliff, Huff, Schoesler, McDonald, Carlson, Parlette, Esser, Linville and Woods

AN ACT Relating to reducing property taxes by reducing the total state property tax levy amount by 6.2 percent; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Finance.

HB 2779 by Representatives Barlean, Lovick, Koster, Reardon, Thomas, Wensman, Keiser, Conway, McDonald, Carlson, Linville and Hurst; by request of Governor Locke

AN ACT Relating to reducing property taxes by reducing the total state property tax levy amount by 6.2 percent; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2780 by Representatives Dunshee, Thomas, Santos, Murray and Rockefeller

AN ACT Relating to public approval for the financing of the professional baseball stadium; creating a new section; and providing for submission of this act to a vote of the people.

Referred to Committee on Economic Development, Housing & Trade.

HB 2781 by Representatives Dunshee, Murray, O'Brien, Miloscia, Wood and McIntire

AN ACT Relating to spending in election campaigns; adding a new section to chapter 42.17 RCW; adding a new section to chapter 29.81 RCW; creating a new section; and providing an effective date.

Referred to Committee on State Government.

HB 2782 by Representatives Carrell, Sullivan, Skinner, Boldt, Cox, Mulliken, Schindler, Thomas, Talcott, Esser, Van Luven, Sump, Lambert, Delvin and Parlette

AN ACT Relating to protecting marriage from wrongful interference; adding a new chapter to Title 26 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2783 by Representatives Cox, Poulsen, Haigh, Thomas, Benson, Schoesler, McDonald, Carlson and Woods; by request of Department of Revenue

AN ACT Relating to simplifying the property tax code through revising terminology, correcting mistakes, consolidating sections, streamlining procedures, and deleting obsolete provisions; amending RCW 79.01.132, 84.04.030, 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.33.0501, 84.33.200, 84.36.477, 84.40.030, 84.40.040, 84.40.045, 84.40.405, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.52.063, and 84.70.010; reenacting and amending RCW 84.40.020; reenacting RCW 84.36.041; adding a new section to chapter 84.52 RCW; creating new sections; repealing RCW 84.04.018, 84.36.031, 84.36.140, 84.36.150, 84.36.160, 84.36.161, 84.36.162, 84.36.176, 84.36.181, 84.36.190, 84.36.191, 84.36.270, 84.36.280, 84.36.290, 84.36.473, 84.36.490, and 84.40.0305; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

HB 2784 by Representatives Talcott, Keiser, Haigh, Quall, D. Schmidt, Kenney, Edwards, Santos and McIntire

AN ACT Relating to the master teacher pilot program; adding new sections to chapter 28A.405 RCW; creating a new section; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 2785 by Representatives Fortunato, Van Luven, McDonald, Schual-Berke, Carrell, Mitchell, Wood, Hurst, Benson, Esser and Rockefeller

AN ACT Relating to notification of personal flotation device requirements; and amending RCW 88.02.040.

Referred to Committee on Transportation.

HB 2786 by Representatives Fortunato, Lovick, Van Luven, Cairnes, Schoesler, Hatfield and Hurst

AN ACT Relating to information about individuals authorized to drive commercial motor vehicles disclosed by former or current employers to a prospective employer; adding a new section to chapter 46.25 RCW; and adding a new section to chapter 9.73 RCW.

Referred to Committee on Judiciary.

HB 2787 by Representatives Fortunato, Ruderman, Van Luven, Keiser, Cairnes, Hurst, Schual-Berke, Kenney, Edmonds, Esser, Edwards, Santos and McIntire

AN ACT Relating to a housing affordability salary supplement for teachers; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Education.

HB 2788 by Representatives Fisher, Mitchell, Radcliff, Scott and Hurst; by request of Transportation Improvement Board

AN ACT Relating to funds for transportation projects; and amending RCW 47.26.500.

Referred to Committee on Transportation.

HB 2789 by Representatives Regala, Van Luven, Veloria, Radcliff, D. Sommers, Edmonds, Kenney, O'Brien, Santos, Tokuda, Barlean, Dickerson, Keiser, Anderson, Conway, Stensen, Ogden, Cody, Lantz, Wood, Rockefeller, Skinner and McIntire

AN ACT Relating to preserving federally assisted housing and minimizing the involuntary displacement of tenants residing in such housing; amending RCW 59.28.020, 59.28.030, 59.28.040, 59.28.060, 59.28.080, and 59.28.100; adding new sections to chapter 59.28 RCW; adding a new section to chapter 49.60 RCW; and declaring an emergency.

Referred to Committee on Economic Development, Housing & Trade.

HB 2790 by Representatives Ballasiotes, Lovick, O'Brien, Radcliff, Constantine, Dickerson, Kenney and Edmonds; by request of Washington State Patrol and Department of General Administration

AN ACT Relating to firearms in state capitol buildings; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2791 by Representatives Romero and Edwards

AN ACT Relating to motor vehicle equipment; adding a new section to chapter 46.37 RCW; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 2792 by Representatives Haigh, D. Schmidt, Romero, McDonald, Rockefeller and Hurst; by request of Governor Locke

AN ACT Relating to confidentiality of personal financial information; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 2793 by Representatives Miloscia, D. Schmidt, Romero, McMorris, Kastama, H. Sommers, Campbell, Keiser, Skinner, Wolfe, Morris, Grant, Lambert, Mitchell, Haigh, Ogden, Dunshee, Pennington, Gombosky, Ballasiotes, Dickerson, Anderson, Conway, Stensen, O'Brien, Kenney, Edmonds, Cody, Schual-Berke, Mulliken, Edwards, Lantz, Wood, Constantine, Cooper, Linville, Santos and McIntire

AN ACT Relating to the citizens' alliance for government accountability; adding a new chapter to Title 43 RCW; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

HB 2794 by Representatives Hurst, Pflug, Lambert, Kastama, Talcott, Miloscia, Fortunato, O'Brien, Schindler, Campbell and Mulliken

AN ACT Relating to the sale or donation of fetal tissue; amending RCW 68.50.530; adding a new section to chapter 68.50 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 2795 by Representatives Clements, Skinner, B. Chandler, McMorris, Lisk, Mulliken and Parlette

AN ACT Relating to land use flexibility for family farms owned or operated by senior citizens; amending RCW 36.70A.177; adding a new section to chapter 36.70A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Local Government.

HB 2796 by Representatives Alexander, Ballasiotes, Mulliken, Scott, O'Brien, Doumit, DeBolt, Delvin, Koster, Benson, Carlson, Parlette, Esser, Woods and Skinner

AN ACT Relating to responsibility for the costs of confinement of certain offenders; amending RCW 9.94A.175, 9.94A.190, 9.94A.207, and 70.48.440; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2797 by Representatives Alexander, Ballasiotes, Mulliken, Scott, O'Brien, Doumit, DeBolt, Delvin, Koster, Benson, Schoesler, McDonald, Carlson, Parlette, Esser, Woods and Skinner

AN ACT Relating to financial responsibility for confinement of offenders; and amending RCW 9.94A.207 and 70.48.440.

Referred to Committee on Criminal Justice & Corrections.

HB 2798 by Representatives Lambert, Campbell, Cody, Parlette, Kagi, Benson and Haigh

AN ACT Relating to legibility of prescriptions; and amending RCW 18.130.180.

Referred to Committee on Health Care.

HB 2799 by Representatives Lambert, Hurst, Kagi, Benson, Lovick and Pflug

AN ACT Relating to granting state-wide warrant jurisdiction to courts of limited jurisdiction; amending RCW 3.66.010, 3.66.060, 3.66.070, 3.46.030, 3.50.020, and 35.20.030; and creating a new section.

Referred to Committee on Judiciary.

HB 2800 by Representatives Lambert, Hurst, Kagi, Pflug, Lovick and Haigh

AN ACT Relating to the exchange of information between the courts and law enforcement; and adding a new section to chapter 2.56 RCW.

Referred to Committee on Judiciary.

HB 2801 by Representatives Benson, Lambert, Mulliken, Keiser, Boldt, Sullivan and Rockefeller

AN ACT Relating to automobile insurance multivehicle discounts; and adding a new section to chapter 48.19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2802 by Representatives Lambert, Campbell, Carrell, Benson, Schindler, Cox, Boldt, Mulliken, Delvin, Koster and Wood

AN ACT Relating to the free speech rights of judges and judicial candidates; and creating a new section.

Referred to Committee on Judiciary.

HB 2803 by Representatives Lambert, Koster, Benson, Talcott, Cox, D. Schmidt, Esser, Lantz and Rockefeller

AN ACT Relating to the Washington assessments of student learning; and adding a new section to chapter 28A.655 RCW.

Referred to Committee on Education.

HB 2804 by Representatives Lambert, Hurst and Esser

AN ACT Relating to a study of nonelected judicial officers and commissioners; and adding a new section to chapter 2.56 RCW.

Referred to Committee on Judiciary.

HB 2805 by Representative Lambert

AN ACT Relating to denying service credit for certain members of the state retirement system; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding new sections to chapter 41.40 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2806 by Representatives G. Chandler, Doumit, Mulliken, Buck, Grant, Mastin, Hatfield and Parlette

AN ACT Relating to the integration of shoreline master programs into growth management planning; amending RCW 90.58.030, 90.58.050, 90.58.060, 90.58.080, 90.58.090, 90.58.100, 90.58.190, 36.70A.030, 36.70A.060, 36.70A.106, 36.70A.130, 36.70A.170, 36.70A.290, and 36.70A.480; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2807 by Representatives Kagi, Boldt, Wolfe, Ruderman, D. Sommers, Tokuda, Lovick, Kenney and Santos

AN ACT Relating to authorizing blended funding projects for youth; amending RCW 74.14A.020; adding a new section to chapter 74.14A RCW; and providing an effective date.

Referred to Committee on Children & Family Services.

HB 2808 by Representatives McIntire, Santos, Tokuda, Boldt, Kagi, Talcott, Clements, Keiser, Huff, Lovick, Dickerson, Scott, Anderson, Stensen, O'Brien, Ogden, Schual-Berke, Edwards, Lantz, Regala and Haigh

AN ACT Relating to the educational needs of children and youth in foster care; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 2809 by Representatives Kagi, McDonald, Kenney, D. Sommers, Edmonds, Tokuda, Lantz, Boldt, Clements, McIntire, Lovick, Dickerson, Anderson, Stensen, O'Brien, Miloscia, Ogden, Schual-Berke, Edwards, Wood and Santos

AN ACT Relating to a foster care scholarship program; adding a new section to chapter 28B.80 RCW; creating a new section; and making an appropriation.

Referred to Committee on Higher Education.

HB 2810 by Representatives McMorris, Haigh and Thomas

AN ACT Relating to exempting information obtained in connection with liquor, lottery, and gambling licenses from public disclosure; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 2811 by Representatives McIntire, Boldt, Tokuda, O'Brien, Campbell, Reardon, D. Schmidt, Wood, Edmonds and Santos

AN ACT Relating to community services programs for persons with developmental disabilities; adding a new section to chapter 71A.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2812 by Representatives Anderson, Stensen, Regala, Edmonds, Murray, Constantine, Ogden, O'Brien, Kenney, Parlette and Santos

AN ACT Relating to property tax exemptions for persons confined in adult family homes and certain boarding homes; and amending RCW 84.36.381 and 84.36.383.

Referred to Committee on Finance.

HB 2813 by Representatives Hatfield and Pennington

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

Referred to Committee on Natural Resources.

SSB 6115 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Brown, Bauer, Snyder, Rasmussen, Haugen, B. Sheldon, Eide, Jacobsen, McAuliffe, Gardner, Heavey, Franklin, Patterson, Prentice, T. Sheldon, Costa, Goings, McCaslin, Swecker and Winsley; by request of Governor Locke)

Reinstating the property tax exemption for motor vehicles, travel trailers, and campers.

Referred to Committee on Finance.

SJR 8212 by Senators Loveland, Winsley, Fairley, Haugen, Snyder, Fraser, Patterson, Bauer, Wojahn, Spanel, B. Sheldon, Rasmussen, Oke, Gardner, Thibaudeau and Goings

Providing a tax credit on owner-occupied residential property.

Referred to Committee on Finance.

MOTIONS

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

On motion of Representative Morris, House Bill No. 2588 was referred to the Committee on Children & Family Services, House Bill No. 2669 was referred to the Committee on Commerce & Labor, and House Bill No. 2682 was referred to the Committee on Children & Family Services.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Friday, January 21, 2000, the 12th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

ELEVENTH DAY, JANUARY 20, 2000

JOURNAL OF THE HOUSE

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

TWELFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 21, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cameron Veloria and Eric Chamberlain. Prayer was offered by Pastor Robert Christensen, Olympia-Lacey Church of God.

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

INTRODUCTIONS AND FIRST READING

HB 2814 by Representatives Kastama, Linville, McDonald, O'Brien, Lovick, Miloscia, Eickmeyer, Campbell and Woods

AN ACT Relating to displaying flags; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

HB 2815 by Representatives Dunshee, D. Schmidt, Miloscia, Haigh and Hankins; by request of Secretary of State

AN ACT Relating to late registration of voters; and amending RCW 29.07.152.

Referred to Committee on State Government.

HB 2816 by Representatives Delvin, Clements, Reardon, Pennington and Stensen

AN ACT Relating to the practice of industrial hygiene and occupational safety; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2817 by Representatives Keiser, Carlson, Stensen, Schual-Berke, O'Brien, Edwards, Haigh, Ruderman, Edmonds, Kagi, Rockefeller, Eickmeyer, Lovick, Cooper, Murray, Constantine, Dickerson, Kenney, Conway, Hurst, Ogden, McIntire, Veloria, Santos, Cody and Lantz

AN ACT Relating to an annual cost-of-living increase for K-12 teachers and other school employees and for community and technical college faculty and other technical college employees; adding a new section to chapter 28A.400 RCW; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Education.

HB 2818 by Representatives B. Chandler, G. Chandler, Skinner and Sump

AN ACT Relating to the Roza irrigation district off-stream storage reservoir; creating a new section; and making an appropriation.

Referred to Committee on Agriculture & Ecology.

HB 2819 by Representatives B. Chandler, Lisk, G. Chandler and Skinner

AN ACT Relating to petitions for mergers of minor irrigation districts with other special purpose districts; and amending RCW 87.03.845 and 85.08.850.

Referred to Committee on Agriculture & Ecology.

HB 2820 by Representatives G. Chandler, B. Chandler, Lisk and Skinner

AN ACT Relating to classification, jurisdiction, and use of irrigation district conveyance and drainage facilities; amending RCW 75.20.100; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2821 by Representatives Clements and Skinner

AN ACT Relating to reducing the state property tax; amending RCW 43.135.045, 84.52.043, and 84.52.065; adding a new section to chapter 84.55 RCW; and providing an expiration date.

Held on first reading.

HB 2822 by Representatives Murray, H. Sommers, Poulsen, Dickerson, Tokuda, Kenney, Veloria, Constantine, Santos, Edwards, O'Brien, Benson and McIntire

AN ACT Relating to financial relief for businesses damaged by the world trade organization protests; adding a new section to chapter 38.52 RCW; adding a new section to chapter 82.32 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2823 by Representatives Murray, Quall, Cox, H. Sommers, Benson and McIntire

AN ACT Relating to off-campus disruptive behavior of higher education students; adding a new section to chapter 28B.10 RCW; and providing an effective date.

Referred to Committee on Higher Education.

HB 2824 by Representatives Murray, Regala, Miloscia, Cody, Tokuda, Kagi, O'Brien, Lantz, Santos, Edwards, Veloria, Romero, Constantine, Edmonds, McIntire, Fisher, Ruderman and Ogden

AN ACT Relating to the death penalty; adding a new section to chapter 10.95 RCW; making appropriations; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2825 by Representatives Boldt, Radcliff, D. Sommers, McMorris and D. Schmidt

AN ACT Relating to the family policy council; amending RCW 70.190.005, 70.190.040, and 70.190.070; adding a new section to chapter 70.190 RCW; adding a new section to chapter 28A.300 RCW; recodifying RCW 70.190.040; and repealing RCW 70.190.050, 70.190.060, 70.190.065, 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180, and 70.190.190.

Referred to Committee on Children & Family Services.

HB 2826 by Representatives Boldt, Carrell, Lambert, Koster, Mulliken, D. Sommers and Benson

AN ACT Relating to the safety and well-being of children; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.015, 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, 9.68.130, 9.68A.140, 9.68A.150, and 9.68A.160; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2827 by Representatives Fisher, Romero, Edwards, O'Brien, Murray, Ogden, McIntire, Haigh, Veloria and Wood; by request of Governor Locke

AN ACT Relating to authorizing a local option sales and use tax for transit under chapters 35.58, 36.57, and 36.57A RCW for fiscal year 2001; adding a new section to chapter 82.14 RCW; creating a new section; and providing an effective date.

Held on first reading.

HB 2828 by Representatives Morris, Kessler, Wolfe, Grant, Gombosky, Linville, Edwards, D. Schmidt and Benson

AN ACT Relating to changing the date of the primary; amending RCW 29.13.070, 29.13.010, 29.13.020, 29.15.020, 29.15.150, 29.15.170, 29.15.180, 29.15.190, 29.15.230, 29.19.030, 29.24.020, 29.30.075, 29.62.020, 42.12.040, 42.17.710, 42.52.185, 27.12.355, 27.12.370, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; repealing RCW 29.01.160; and providing an effective date.

Referred to Committee on State Government.

HB 2829 by Representatives Alexander, DeBolt, Wolfe and Romero

AN ACT Relating to changing the voting requirements for creating a lake management district; and amending RCW 36.61.030, 36.61.090, 36.61.100, and 36.61.115.

Referred to Committee on Local Government.

HB 2830 by Representatives Alexander, DeBolt, Wolfe and Romero

AN ACT Relating to industrial hygiene; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2831 by Representatives Alexander and DeBolt

AN ACT Relating to the use of revenues under the county conservation futures levy; and amending RCW 84.34.230.

Referred to Committee on Local Government.

HB 2832 by Representatives McMorris, Carlson and Kenney

AN ACT Relating to eligibility for educational opportunity grants; and amending RCW 28B.101.020.

Referred to Committee on Higher Education.

HB 2833 by Representatives Kenney, Carlson, Keiser, Dunn, Veloria, Edmonds, Santos, McIntire, Wood, Hurst, Lantz, Kessler, Lovick, Stensen, Edwards, O'Brien, Constantine, Dickerson, Conway, Ogden and Cody

AN ACT Relating to work force training using the apprenticeship model; amending RCW 49.04.030; creating new sections; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2834 by Representatives Kenney, Radcliff, Quall, Cox, McIntire and Veloria; by request of Lieutenant Governor

AN ACT Relating to a conditional scholarship for vocational-technical education; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 2835 by Representatives Kenney, Carlson, Keiser, Cox and Veloria; by request of Governor Locke and Superintendent of Public Instruction

AN ACT Relating to the future teachers conditional scholarship; amending RCW 28B.102.010, 28B.102.020, 28B.102.030, 28B.102.040, 28B.102.050, and 28B.102.060; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 28B.102 RCW.

Referred to Committee on Higher Education.

HB 2836 by Representatives Lantz, Sump, Santos, Haigh and D. Schmidt

AN ACT Relating to eligibility standards for a disabled veteran to receive one set of license plates for a personal use vehicle without payment of annual license fees or excise taxes; and amending RCW 73.04.110.

Referred to Committee on Transportation.

HB 2837 by Representatives Linville, O'Brien, D. Schmidt, Campbell, Conway, Hurst, Haigh and Santos

AN ACT Relating to exclusion of veteran disability benefits from the income calculation for senior and disabled persons from property tax relief; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Finance.

HB 2838 by Representatives Fortunato, Sullivan, Cairnes, Clements, Schindler, Carrell, Campbell, Lambert, Benson and Mulliken

AN ACT Relating to suspension of high-occupancy vehicle lanes; amending RCW 46.61.165, 47.52.025, 46.61.165, 47.52.025, 81.104.010, 81.104.015, 81.104.060, and 81.104.100; creating a new section; suspending the effectiveness of RCW 81.100.010, 81.100.020, 81.100.030, 81.100.040, 81.100.050, 81.100.060, 81.100.070, 81.100.080, 81.100.090, and 81.100.100; repealing RCW 81.100.010, 81.100.020, 81.100.030, 81.100.040, 81.100.050, 81.100.060, 81.100.070, 81.100.080, 81.100.090, and 81.100.100; providing contingent effective dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 2839 by Representatives Fortunato, Schindler, Campbell, Lambert and Benson

AN ACT Relating to a comprehensive analysis of state-wide transportation needs and priorities; amending 1998 c 348 s 202 (uncodified); creating a new section; repealing 1999 sp.s. c 1 s 207 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2840 by Representatives Fortunato, Koster, Carrell, Schindler, Campbell, Lambert, Benson and D. Schmidt

AN ACT Relating to protecting the health of women by requiring that only physicians perform abortions; amending RCW 9.02.110 and 9.02.170; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 2841 by Representatives Fortunato, Mulliken, Koster, Carrell, Campbell, Sump, Lambert, Cox, Benson and Sullivan

AN ACT Relating to transportation of human tissue; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

HB 2842 by Representatives Pflug, Boldt, D. Sommers, Cairnes, Edmonds and Mulliken

AN ACT Relating to drug-affected infants; adding new sections to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 2843 by Representatives Kagi, Conway, Edmonds, Dickerson, Clements, Wolfe, Lambert, Edwards, Keiser, Ogden, McIntire, Haigh, Santos and Cody

AN ACT Relating to unemployment compensation payable to individuals who took family and medical leave; amending RCW 50.04.020; adding a new section to chapter 50.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2844 by Representatives Schual-Berke, Edmonds, Alexander, Edwards, Mulliken, Ruderman, Pennington, Kessler, Haigh and Santos

AN ACT Relating to the establishment of a drug utilization review program and a drug prior authorization program under the medical assistance program; amending RCW 74.09.010; adding new sections to chapter 74.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HB 2845 by Representatives Romero, Hankins, Morris, Wolfe, Edwards, O'Brien, Linville and Kenney

AN ACT Relating to naming state buildings; and adding a new section to chapter 43.34 RCW.

Referred to Committee on State Government.

HB 2846 by Representatives Benson, Hatfield, Sullivan, DeBolt, Barlean, Cairnes, Quall, McIntire and Delvin

AN ACT Relating to certain notices to agents or brokers; and amending RCW 48.18.289.

Referred to Committee on Financial Institutions & Insurance.

HB 2847 by Representatives Mulliken, Edwards, Cairnes and Mielke

AN ACT Relating to remedies for exceeding the one hundred twenty day timeline for land use project permit applications; amending RCW 36.70B.090; and repealing 1998 c 286 s 8 and 1995 c 347 s 433 (uncodified).

Referred to Committee on Local Government.

HB 2848 by Representatives Hatfield, Benson and Keiser; by request of Insurance Commissioner

AN ACT Relating to the safeguarding of securities of domestic insurance companies, health care service contractors, health maintenance organizations, and health carriers; amending RCW 48.04.010 and 48.04.020; and adding new sections to chapter 48.13 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2849 by Representatives Hurst, Clements, Rockefeller, DeBolt, Dunshee, Eickmeyer, Campbell, Conway, Stensen, Ericksen, Ruderman, Mitchell, McIntire and Haigh

AN ACT Relating to state certification and training for liquor control board officers; amending RCW 66.44.010 and 43.101.010; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Commerce & Labor.

HB 2850 by Representatives Reardon, Schoesler, Scott, D. Schmidt, Tokuda, Skinner, Thomas, Clements, Dunshee, McIntire and Pennington

AN ACT Relating to excise tax treatment of linen and uniform supply services; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2851 by Representatives Reardon, G. Chandler, Linville, Grant, Stensen, Cooper and Haigh

AN ACT Relating to state participation in flood control maintenance; and amending RCW 86.26.100.

Referred to Committee on Appropriations.

HB 2852 by Representatives Reardon, Dunn, McMorris, Gombosky, Pennington, Wood, Lovick, Stensen, O'Brien, Linville, Benson, Kenney, Conway, Ogden, Edmonds, Voloria, Santos, Kastama and Lantz

AN ACT Relating to community revitalization financing; amending RCW 84.52.043, 84.52.065, 84.52.067, 36.33.220, 36.79.140, 36.82.040, 46.68.124, 82.03.130, 35.87A.010, 82.14.050, and 35.80.030; adding a new section to chapter 82.14 RCW; adding a new section to chapter 27.12 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.75 RCW; adding a new section to chapter 52.12 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 67.38 RCW; adding a new section to chapter 68.52 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 84.55 RCW; adding a new section to chapter 35.80 RCW; adding a new chapter to Title 82 RCW; adding a new chapter to Title 39 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Economic Development, Housing & Trade.

HB 2853 by Representatives Wolfe, D. Schmidt, Romero, Cairnes, Haigh and Cody; by request of Department of Services for the Blind

AN ACT Relating to the rehabilitation council for the blind; and amending RCW 74.18.070, 74.18.080, 74.18.090, and 74.18.100.

Referred to Committee on Children & Family Services.

HB 2854 by Representatives Dunn, Radcliff, Mastin and Talcott

AN ACT Relating to creating the educational opportunity transfer program for the new millennium; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

HB 2855 by Representatives Mastin and Grant

AN ACT Relating to attorneys' fees and costs in appeals of growth management hearings boards' decisions; and adding a new section to chapter 4.84 RCW.

Referred to Committee on Judiciary.

HB 2856 by Representatives Wood, Clements, Conway, D. Schmidt, Hurst, Rockefeller and McIntire

AN ACT Relating to youth education awareness on problem gambling; and making appropriations.

Referred to Committee on Appropriations.

HB 2857 by Representatives Schoesler, G. Chandler, Sump, Cairnes, McMorris, Campbell, D. Schmidt, Mielke, Huff, Clements, Dunn, Mitchell, Thomas, DeBolt, Benson, Lambert, Radcliff, Mastin, Lisk, Bush, Cox, Pflug, Esser, Koster, B. Chandler, Mulliken, Woods and D. Sommers

AN ACT Relating to ensuring that agency rules do not exceed their statutory authorization; amending RCW 34.05.570; and adding new sections to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 2858 by Representatives D. Schmidt, Dunshee, Ruderman and Edwards; by request of Governor Locke

AN ACT Relating to reports to the legislature; amending RCW 13.34.803, 13.40.430, 34.05.328, 43.20B.030, 43.63A.230, 70.119A.170, 74.09.310, 74.09.320, 74.13.031, 74.13.036, 74.14C.070, and 74.20A.035; reenacting and amending RCW 26.44.030; and repealing RCW 18.20.230, 43.20A.870, 70.128.210, 71.36.020, 74.14C.080, 74.20A.340, 75.50.030, 75.08.410, and 75.08.530.

Referred to Committee on State Government.

HB 2859 by Representatives Miloscia, Campbell, Romero, Sump, Quall and Santos

AN ACT Relating to the use of animals in schools; adding a new section to chapter 28A.600 RCW; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 2860 by Representatives O'Brien, Van Luven, Tokuda, Talcott, Constantine, DeBolt, Wood, Santos, McIntire, Benson, Barlean, Anderson, Murray, Kastama, Dunshee, Morris, Quall, Mitchell, Kenney, Delvin, Kessler, Cooper, McDonald, Edwards, Campbell, Conway, Hurst and Haigh

AN ACT Relating to improving the quality of services for persons with developmental disabilities; adding a new section to chapter 71A.12 RCW; and creating new sections.

Referred to Committee on Children & Family Services.

HB 2861 by Representatives O'Brien, Cody, Miloscia, Parlette, Ballasiotes, Morris, Alexander, Anderson, Santos, Edmonds, Murray, Kastama, Schual-Berke, Scott, Thomas, Barlean, Quall, Dickerson, Mitchell, Delvin, Kenney, Edwards, Rockefeller and McIntire

AN ACT Relating to health care information; and amending RCW 70.02.010.

Referred to Committee on Health Care.

HB 2862 by Representatives Delvin, Crouse, Reardon and Poulsen

AN ACT Relating to the taxation of aggregators as competitive telephone service providers; and amending RCW 82.04.065.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2863 by Representatives Cairnes, Keiser, Benson, Hatfield, Edwards and Kagi

AN ACT Relating to insurance coverage for regional transit authorities; and amending RCW 81.112.060 and 48.30.270.

Referred to Committee on Transportation.

HB 2864 by Representatives Skinner, Fisher, Mitchell, Ogden, Hankins and Hurst

AN ACT Relating to traffic safety improvement; amending RCW 46.63.110 and 46.68.041; reenacting and amending RCW 43.59.150; adding a new section to chapter 43.59 RCW; adding a new section to chapter 46.64 RCW; creating a new section; repealing RCW 46.68.260; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2865 by Representatives Carrell, Boldt, Tokuda, Ballasiotes, Kagi, Veloria, Wensman, Koster, Mitchell, Hankins, Mulliken, McDonald and Miloscia

AN ACT Relating to vulnerable adults; amending RCW 74.34.020, 74.34.067, 74.34.080, 74.34.150, and 74.34.210; creating a new section; and repealing RCW 74.34.170.

Referred to Committee on Children & Family Services.

HB 2866 by Representatives Fisher, Mitchell, Cooper, O'Brien, Rockefeller and Morris

AN ACT Relating to operation of ferries in Washington state; amending RCW 47.60.326 and 47.60.326; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2867 by Representatives Linville, G. Chandler, Miloscia, Mitchell, Koster and Cooper

AN ACT Relating to underground water storage; and amending RCW 90.03.370.

Referred to Committee on Agriculture & Ecology.

HB 2868 by Representatives Ericksen and Linville

AN ACT Relating to electronic forms of warehouse receipts; and amending RCW 62A.7-202.

Referred to Committee on Agriculture & Ecology.

HB 2869 by Representatives Tokuda, Clements, Boldt, Regala, Radcliff, D. Schmidt, Lovick, Talcott, Cooper, Edwards, Stensen, O'Brien, Keiser, Constantine, Dickerson, Kenney, Conway, Mitchell, Ogden, Rockefeller, McIntire, Edmonds, Veloria, Santos, Wood, Cody and Kagi

AN ACT Relating to children with special needs; adding new sections to chapter 74.13 RCW; adding a new section to chapter 70.05 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 2870 by Representatives Veloria, Radcliff, Haigh, Esser, Cody, McIntire, Dickerson, Wolfe, DeBolt, Santos, Edmonds, Ruderman and Quall

AN ACT Relating to waiving all or part of the tuition, services, and activities fees at institutions of higher education; and amending RCW 28B.15.558.

Referred to Committee on Higher Education.

HB 2871 by Representatives Veloria, Santos, Wolfe, Cody, McIntire, DeBolt, Dickerson, Radcliff, Edmonds, Ruderman and Quall

AN ACT Relating to waiving all or part of the tuition, services, and activities fees at institutions of higher education; and amending RCW 28B.15.558.

Referred to Committee on Higher Education.

HB 2872 by Representatives DeBolt, Alexander, Benson and Hatfield

AN ACT Relating to escrows on the sale of manufactured homes; adding a new section to chapter 46.70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 2873 by Representatives Parlette, Scott, Mulliken and Kessler

AN ACT Relating to increasing a city or town debt limit for purposes of financing capital facilities associated with economic development; amending RCW 39.36.020; and declaring an emergency.

Referred to Committee on Local Government.

HB 2874 by Representatives Dunn, Skinner and Carlson

AN ACT Relating to a task force on community and technical college tuition, residency, and compensation; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 2875 by Representatives Dunn and DeBolt

AN ACT Relating to the wholesale and retail sale and distribution of alcoholic beverages; amending RCW 66.04.010, 66.08.020, 66.08.026, 66.08.030, 66.08.050, 66.08.090, 66.08.095, 66.12.110, 66.12.120, 66.12.140, 66.16.040, 66.16.100, 66.16.110, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.24.160, 66.24.210, 66.24.290, 66.24.310, 66.24.360, 66.24.371, 66.24.380, 66.24.540, 66.28.030, 66.28.060, 66.28.180, 66.28.190, 66.40.140, 66.44.150, 66.44.160, 66.44.318, and 66.44.340; reenacting and amending RCW 66.28.040 and 66.28.070; adding new sections to chapter 66.24 RCW; creating new sections; repealing RCW 66.08.070, 66.08.160, 66.08.235, 66.12.020, 66.16.010, 66.16.030, 66.16.041, 66.16.050, 66.16.060, 66.16.070, 66.16.080, 66.16.090, 66.20.160, 66.24.440, 66.32.010, and 66.44.120; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2876 by Representatives Dunn, Cox and Rockefeller

AN ACT Relating to vehicular assault while using personal wireless services; amending RCW 46.61.522; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2877 by Representatives Dunn, D. Sommers, Cox, Buck, Delvin and Boldt

AN ACT Relating to tuition waivers for students who provide services to fellow disabled students; amending RCW 28B.15.910; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 2878 by Representatives Kastama, Quall, Wolfe, Dunshee, Conway, Reardon, Miloscia, Hatfield, Doumit, Campbell, Buck, Lantz, Schual-Berke, D. Schmidt, Pennington, Bush, Clements, Talcott, Linville, Rockefeller, Grant, Schoesler, Lovick, Stensen, O'Brien, Keiser, Constantine, Woods, Carlson, Hurst, Ogden, Haigh, Edmonds, Veloria, Santos, Poulsen and Skinner

AN ACT Relating to providing a death benefit for members of the Washington public employees' retirement system; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 2879 by Representatives Linville, G. Chandler and Mastin; by request of Attorney General

AN ACT Relating to the appeals period for environmental appeals to administrative bodies; and amending RCW 43.21B.190, 43.21B.230, 43.21B.300, and 43.21B.310.

Referred to Committee on Agriculture & Ecology.

HB 2880 by Representatives Cooper, Poulsen, Crouse, McDonald, DeBolt, Wolfe, Kastama, Bush, G. Chandler, Mielke, Schindler, Cox, Ruderman, Miloscia, Rockefeller, Eickmeyer, Doumit, Ogden, Mulliken, Linville, Hatfield, Constantine, Gombosky, Lovick, Stensen, Edwards, O'Brien, Keiser, Conway, D. Sommers, McIntire, Haigh, Santos, Wood and Kagi; by request of Governor Locke

AN ACT Relating to the provision of telecommunications services by public utility districts and rural port districts; adding new sections to chapter 54.16 RCW; adding new sections to chapter 53.08 RCW; adding a new section to chapter 80.01 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2881 by Representatives Crouse, Poulsen and Eickmeyer; by request of Governor Locke

AN ACT Relating to new procedures for alternative forms of regulation of telecommunications companies; amending RCW 80.36.135; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2882 by Representatives Poulsen, Crouse, Eickmeyer, Ruderman and Edwards; by request of Governor Locke

AN ACT Relating to the use of city or town rights of way by telecommunications and cable television providers; amending RCW 35.21.860; reenacting and amending RCW 42.17.310; adding a new section to chapter 35A.21 RCW; and adding a new chapter to Title 35 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2883 by Representatives Conway, McIntire, O'Brien and Dunshee

AN ACT Relating to subsidy disclosure; adding new sections to chapter 42.17 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government.

HB 2884 by Representatives Constantine, Carlson, Grant, Radcliff, Kastama, Mastin, Keiser, Ruderman, Kessler, Dickerson, Tokuda, D. Sommers and Stensen

AN ACT Relating to relocation of children; amending RCW 26.09.260, 26.26.160, and 26.10.190; adding new sections to chapter 26.09 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 2885 by Representatives Hatfield, Benson, Barlean, Santos, Talcott and Bush

AN ACT Relating to the definition of investment adviser; and amending RCW 21.20.005.

Referred to Committee on Financial Institutions & Insurance.

HJM 4022 by Representatives Delvin, Hankins, G. Chandler, B. Chandler, Mastin, Lisk, Grant, Linville and Mitchell

Requesting full funding for a vitrification treatment plant at the Hanford site.

Referred to Committee on Agriculture & Ecology.

HJM 4023 by Representatives Buck, Doumit, Sump, Regala, G. Chandler, Anderson, Ericksen, Rockefeller, Clements, Stensen, Eickmeyer, Lovick, Edwards, O'Brien, Linville, Parlette, Mulliken, Dickerson, Conway, Mitchell, Wolfe, Edmonds, Veloria, Santos, Skinner and Kagi

Requesting federal support for Washington's efforts toward salmon recovery.

Referred to Committee on Natural Resources.

HJM 4024 by Representatives Schual-Berke, Cox, Keiser, Rockefeller, Santos, Carlson, D. Schmidt, Wensman, Thomas, Quall, Haigh, Talcott, Romero, Regala, Edwards, Linville, Anderson, Morris, Clements, Skinner, Kenney, Conway, Mitchell and Veloria

Petitioning Congress to consider formula grants for gifted and talented education programs in its reauthorization of the Elementary and Secondary Education Act.

Referred to Committee on Education.

HJR 4214 by Representatives Lantz, Barlean, Kastama, Hurst, Sullivan, Rockefeller and Haigh

Allowing judges appointed to fill vacancies at least twelve months in office.

Referred to Committee on Judiciary.

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

RESOLUTION

HOUSE RESOLUTION NO. 2000-4721, by Representatives DeBolt, Romero, Talcott, B. Chandler, Benson, Tokuda, Clements, Thomas, Schoesler, Dunn, D. Schmidt, Ericksen, Cairnes, Sullivan, Cody, Kenney, McDonald, Barlean, Sump, Skinner, Lambert, Alexander, Esser, Parlette, Radcliff, Kastama, Woods, Cox, Boldt, D. Sommers, Bush, Huff, Mulliken, Veloria, Haigh, Kagi, Wood, Cooper, Edmonds, Conway, Anderson, Gombosky, Hatfield and Wensman

WHEREAS, Lynda Ann Ostrom was a highly regarded member of the community of Olympia, the community of public employees, the community of the Legislature, of our community; and

WHEREAS, Lynda was born August 5, 1951, in Downers Grove, Illinois, to Wilbert "Bill" and Henrietta "Henri" Ehlers; and

WHEREAS, Lynda grew up in the farmlands of northwestern Illinois, where she had many pets, including her favorite palomino, Sheba, who made the trip west with the Ehlers family when Lynda was 15; and

WHEREAS, Lynda came to love the mountains and the seas of western Washington, enjoying many shrimping trips on Hood Canal with her father and her brothers; and

WHEREAS, In 1978 Lynda married Bob Ostrom, and together they had many happy times enjoying the outdoor activities offered by our region; and

WHEREAS, Lynda had a long involvement in public service, working with elderly people in a nursing home, going on a medical mission to Jamaica as part of a dental services team, and working in the Code Reviser's Office for 20 years, where she soon rose to the position of Editor of the Washington Administrative Code; and

WHEREAS, Lynda loved all kinds of animals, going beyond ordinary dogs and cats to housebroken rabbits, pygmy goats, and her sister's emus and llamas; and

WHEREAS, Lynda thoroughly enjoyed entertaining at her home, spending a week each summer preparing for her annual theme parties, and even though she claimed to be stressed out by the whole thing, we knew she was in her glory of being a great hostess; and

WHEREAS, Lynda always found time for the really important things in life -- such as hugging the kids who came to visit her or delaying work in favor of going to Point Defiance or picking chanterelles; and

WHEREAS, Lynda brought out the best in people. She always greeted us with a cheerful "Hi ya" and a big smile, and if her greeting didn't brighten your day, her homegrown bouquets would surely catch your eye and remind you of warm sunny days; and

WHEREAS, Lynda loved her family and was very proud of them all, and especially enjoyed seeing her nephews grow and develop and give wisdom and maturity to their parents; and

WHEREAS, Lynda had a great many friends, both here on the hill and throughout the South Sound community, whose lives she touched and enlarged, whose children she influenced, who learned from her the true meaning of friendship -- crying together, laughing together, and sharing joy; and

WHEREAS, Lynda was one of those rare individuals who was a teacher by example. She nurtured the positive in us without judging the negative and her unconditional love of family and friends, of nature, of life has set an example for all of us to follow; and

WHEREAS, Lynda fought against cancer for the last months of her life, finally passing from this physical world on January 6th, at her home with her family and friends around her;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the great accomplishments and contributions of Lynda Ann Ostrom, and extend its most sincere condolences to her family and friends for their deeply felt loss.

Representative DeBolt moved adoption of the resolution.

Representatives DeBolt and Kastama spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4721 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Pennington presiding) recognized Mrs. Ostrom's family and friends present in the gallery, particularly Lynda's husband, Bob, and her parents, Bill and Henrietta Ehlers.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4720, by Representatives Quall, Linville, Morris, Ericksen, Carlson, Kenney, Radcliff, Edmonds, Lantz, Ogden, Kessler, Wolfe, Esser, Dunn, Gombosky, H. Sommers, Barlean, Anderson, Regala, Reardon, Dunshee, Murray, Miloscia, Rockefeller, Kastama, Wood, O'Brien, Hatfield, McIntire, Haigh, Ruderman, Cooper, Santos, Veloria, Doumit, Romero, Dickerson, Schual-Berke, Cody, Tokuda, Stensen, Edwards, Kagi, Conway, Keiser, Fisher, Scott, D. Schmidt and Wensman

WHEREAS, In 1893, the Washington State Legislature and Governor John H. McGraw established New Whatcom State Normal School in Bellingham to train future teachers; and

WHEREAS, Economic conditions in the late 1890s constrained state budgets and delayed provision of operating funds to the new school until after the 1898 Yukon Gold Rush; and

WHEREAS, In September of 1899 the first class of eighty-eight future teachers scaled Sehome Hill to begin classes, housed in one building atop a muddy, ten-acre site; and

WHEREAS, The new school, which initially helped students complete high school diplomas and one-year teaching certificates, evolved into a full-fledged college by 1933 when it began awarding bachelor's degrees in education, and four years later was renamed Western Washington College of Education; and

WHEREAS, By Western's fiftieth anniversary in 1949, the college had prepared more than twenty thousand teachers to serve the state's elementary, secondary, and college students and launched

what became a half century of growth and change in response to demands of Washington's expanding population and increasing role in the nation's economy; and

WHEREAS, In the next three decades, Western more than tripled its enrollment, constructed fourteen new buildings, created five separate colleges, and developed a comprehensive liberal arts program leading to Western's designation as a university in 1977; and

WHEREAS, The University has grown to serve annually nearly twelve thousand students, taught by five hundred fifty dedicated faculty in state-of-the-art facilities, including an award-winning science complex completed in 1996 on the southern edge of a 195-acre residential campus; and

WHEREAS, In the past decade Western has established a national reputation as one of America's top public comprehensive universities for providing an enduring legacy of learning well-designed to prepare graduates in the Class of 2000 and their successors for the twenty-first century;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the accomplishments of Western Washington University during this centennial academic year be recognized and that the University and its more than one hundred forty thousand alumni be honored for past and future contributions to the citizens of the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the president and each member of the board of trustees of Western Washington University.

Representative Quall moved adoption of the resolution.

Representatives Quall, Ericksen, Linville, Carlson, Kenney and Morris spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4720 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Pennington presiding) recognized Karen Morse, President of Western Washington University.

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4723, by Representatives Veloria and Cody

WHEREAS, It is the policy of the Washington State Legislature to recognize the contributions of individuals who reflect the standards of excellence that enhance the well-being and quality of life of the citizens of the State of Washington; and

WHEREAS, Donald L. Henry, resident of Seattle, Commissioner of Bryn Mawr-Lakeridge Water & Sewer is retiring after twelve years of uninterrupted volunteer service; and

WHEREAS, Donald displayed excellent leadership in the recent merger of Skyway Water & Sewer into Bryn Mawr-Lakeridge Water & Sewer; and

WHEREAS, Donald has been active in the West Hill Community Council, and helped raise money for a bronze statue for Fire District 20; and

WHEREAS, Donald is currently a lieutenant with the Seattle Fire Department and a volunteer with Fire District 20; and

WHEREAS, Donald is described by friends as loyal to his family and community, and a caring "pussycat," despite playing the part of the "hard nose guy" asking the tough questions; and

WHEREAS, Donald, in his achievement, has made his wife, Doris, children, Donald Jr. and Deborah, and grandchildren, Zachary, Hunter, and Jessica justly proud;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Donald Henry for his dedicated work and achievement in community service in the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Donald Henry.

There being no objection, House Resolution No. 2000-4723 was adopted.

HOUSE RESOLUTION NO. 2000-4716, by Representatives Delvin, Hankins and Dunn

WHEREAS, The Richland High School Bombers won the Class 4A State Football Championship on December 4, 1999; and

WHEREAS, The Bombers' victory is Richland's first state football title since 1981; and

WHEREAS, The Bombers have won sixteen of their last seventeen games; and

WHEREAS, Lonnie Pearson, the head coach of the Richland Bombers, has provided stupendous and inspirational leadership to the team; and

WHEREAS, Nate Holdren, Marc Olson, Mike Neidhold, Joe Neidhold, John Mecham, Brian Stadelman, and Scott Woodward have done a tremendous job as Assistant Coaches; and

WHEREAS, Lonnie Pearson was diagnosed with cancer before the Bombers' 1999 season and underwent surgery one month prior to the state championship game; and

WHEREAS, Rance Reed, Running Back/Line Backer; Jared Goplen, Defensive Back; Aaron Cox, Defensive Back; Eric McGarrah, Wide Receiver/Defensive Back; Landon Kafentzis, Quarterback/Defensive Back; Jason McShane, Running Back; Joey Chacon, Line Backer/Kicker; Ricardo Dovalle, Wide Receiver/Kicker; Michael Richardson, Running Back/Defensive Back; David Hall, Wide Receiver/Defensive Back; Jeremy Bohannon, Defensive Back; Derek Mitchell, Line Backer; Adam Oakes, Offensive Back/Punter; Josh Artis, Wide Receiver/Defensive Back; Matt Wiser, Running Back/Line Backer; Ryan Lukson, Offensive Lineman/Defensive Lineman; Brian Hodgson, Offensive Lineman/Line Backer; Scott Pippo, Lineman; Lance Rae, Offensive Lineman/Defensive Lineman; David Russie, Defensive Lineman; Chet Ferguson, Offensive Lineman; Joey Strasser, Offensive Lineman; Ryan Richardson, Defensive Lineman; David Whitt, Offensive Lineman; Ryan Brooks, Offensive Lineman/Defensive Lineman; Kai Jones, Offensive Lineman; Kevin Neill, Tight End; Jeff Stowe, Wide Receiver; and Travis Brett, Defensive Lineman, through long hours of preparation, personal sacrifices, and intense efforts, including personal injury, have received the ultimate honor of a state championship title, are now recognized for their achievements, and are worthy of our respect and recognition;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Richland High School Bombers for their dedication and perseverance in the face of adversity, and for the pride that their achievement brings to their community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the members of the Richland High School Bombers Football Team, and their coaches.

There being no objection, House Resolution No. 2000-4716 was adopted.

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

There being no objection, the House adjourned until 10:00 a.m., Monday, January 24, 2000, the 15th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDRER, Chief Clerk FRANK CHOPP, Speaker

TWELFTH DAY, JANUARY 21, 2000

JOURNAL OF THE HOUSE

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

FIFTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, January 24, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Hayley Smith and Mary Anne Benn. The Speaker led the chamber in the Pledge of Alliance. Prayer was offered by Bishop Stanley Byrd, Church of Jesus Christ, Latter Day Saints, Shoreline.

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

MESSAGE FROM THE SENATE

January 21, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,

SUBSTITUTE SENATE BILL NO. 5340,

SENATE BILL NO. 5341,

SUBSTITUTE SENATE BILL NO. 5378,

SENATE BILL NO. 5542,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

INTRODUCTIONS AND FIRST READING

HB 2821 by Representatives Clements and Skinner

AN ACT Relating to reducing the state property tax; amending RCW 43.135.045, 84.52.043, and 84.52.065; adding a new section to chapter 84.55 RCW; and providing an expiration date.

Held on first reading from January 21, 2000.

HB 2827 by Representatives Fisher, Romero, Edwards, O'Brien, Murray, Ogden, McIntire, Haigh, Veloria and Wood; by request of Governor Locke

AN ACT Relating to authorizing a local option sales and use tax for transit under chapters 35.58, 36.57, and 36.57A RCW for fiscal year 2001; adding a new section to chapter 82.14 RCW; creating a new section; and providing an effective date.

Held on first reading from January 21, 2000.

HB 2886 by Representatives Barlean, Keiser, Benson and Hatfield

AN ACT Relating to service contracts; and amending RCW 48.110.015.

Referred to Committee on Financial Institutions & Insurance.

HB 2887 by Representatives Fisher, Radcliff, Ericksen, Ogden, Buck, Hatfield, Linville and Rockefeller

AN ACT Relating to the replacement of license plates for certain commercial vehicles; and amending RCW 46.16.233.

Referred to Committee on Transportation.

HB 2888 by Representatives Fisher, Ericksen and Hurst

AN ACT Relating to positive drug test results of motor carrier operators; and adding a new section to chapter 46.25 RCW.

Referred to Committee on Transportation.

HB 2889 by Representatives Mitchell, Murray, Romero, Lantz, Alexander, Ogden, Van Luven, Hankins, Edwards, Stensen, Skinner, Kagi and Parlette; by request of Lieutenant Governor, State Treasurer and Secretary of State

AN ACT Relating to legislative building preservation and renovation; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2890 by Representatives Talcott, Scott and Esser

AN ACT Relating to child support obligations based on overtime or extraordinary income; amending RCW 26.19.071 and 26.09.170; and creating a new section.

Referred to Committee on Judiciary.

HB 2891 by Representatives Lantz, Talcott, Gombosky, Woods, Bush, Edwards, Wood, Rockefeller, Conway and Haigh

AN ACT Relating to resident tuition for active duty military personnel; amending RCW 28B.15.012, 28B.15.012, and 28B.15.014; providing an effective date; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2892 by Representatives Anderson and Barlean

AN ACT Relating to defining rural counties for purposes of sales and use tax for public facilities; and amending RCW 82.14.370.

Referred to Committee on Local Government.

HB 2893 by Representatives Koster, Fortunato, Mulliken, Boldt, Sump, Campbell, Schindler, Carrell, Lambert, Dunn and B. Chandler

AN ACT Relating to restricting the use of aborted fetal body parts; amending RCW 70.58.150, 68.50.610, 68.04.020, and 68.50.110; adding new sections to chapter 68.50 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 2894 by Representatives Koster, Fortunato, Boldt, Campbell, Mulliken, Schindler, Thomas, Carrell, Schoesler, Lambert, Sump, Dunn and Talcott

AN ACT Relating to restricting use of social security numbers; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 43.17 RCW.

Referred to Committee on State Government.

HB 2895 by Representatives Doumit, Buck, Regala, Hatfield, Kessler, Ericksen, Rockefeller, DeBolt, Stensen, Anderson, Eickmeyer, O'Brien, Constantine, Cody, Kenney, Edwards, Linville, Ogden, Lantz, Conway, Kagi, Haigh, Lovick, Santos and Hurst

AN ACT Relating to creating a program for employing affected natural resource workers in habitat restoration and enhancement; adding new sections to chapter 43.21J RCW; repealing RCW 43.21J.005, 43.21J.010, 43.21J.020, 43.21J.030, 43.21J.040, 43.21J.050, 43.21J.060, 43.21J.070, 43.21J.800, 43.21J.900, 43.21J.901, 43.21J.902, 43.21J.903, and 43.21J.904; and providing an effective date.

Referred to Committee on Natural Resources.

HB 2896 by Representatives Ogden, Carlson, Tokuda, Dickerson, DeBolt, Schual-Berke, Radcliff, Eickmeyer, Edwards, Kagi and Santos

AN ACT Relating to circumstances when payment of public assistance benefits need not be paid through electronic funds transfer; and amending RCW 74.08A.020.

Referred to Committee on Children & Family Services.

HB 2897 by Representatives Doumit, Mulliken, Scott, Ericksen, Hatfield, Fortunato and Thomas

AN ACT Relating to enhancing efficiency in permit processes; amending RCW 58.17.095; amending 1998 c 286 s 8 (uncodified); adding new sections to chapter 75.20 RCW; adding new sections to chapter 43.21A RCW; adding a new section to chapter 47.01 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Local Government.

HB 2898 by Representatives Hurst, Delvin, Dickerson, Tokuda, Constantine, Santos, Lambert, Poulsen, Esser, McIntire, Fisher, Radcliff, H. Sommers, Barlean, Lantz, Kastama, Kenney, Hankins, Dunshee, Reardon, Wolfe, Edwards and Ogden

AN ACT Relating to court reform; amending RCW 2.08.070, 2.36.150, 3.30.090, 3.34.010, 3.34.020, 3.34.040, 3.46.020, 3.46.050, 3.46.063, 3.50.020, 3.50.030, 3.50.050, 3.50.055, 3.50.070, 3.50.135, 3.62.060, 12.40.010, 35.20.030, 35.20.090, 35.20.150, and 36.18.020; adding new sections to chapter 2.08 RCW; adding a new section to chapter 3.34 RCW; adding a new section to chapter 3.46 RCW; adding a new section to chapter 3.50 RCW; adding a new section to chapter 35.20 RCW; creating new sections; and providing an effective date.

Referred to Committee on Judiciary.

HB 2899 by Representatives Conway, Clements, Cody, Cooper and Keiser; by request of Department of Social and Health Services

AN ACT Relating to workplace safety in state hospitals; amending RCW 72.23.010; adding new sections to chapter 72.23 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2900 by Representatives Schoesler, Buck and Rockefeller

AN ACT Relating to accident prevention for older drivers; and amending RCW 48.19.460 and 48.19.490.

Referred to Committee on Financial Institutions & Insurance.

HB 2901 by Representatives Constantine, Santos, Kenney, Dickerson, Kessler, Eickmeyer, O'Brien, Ruderman, Cooper, Thomas, Regala, Stensen, Edwards, Keiser, Linville, Wood, Ogden, Rockefeller, Lantz, Morris, Conway, Kagi, Haigh, Lovick and Hurst

AN ACT Relating to the privacy of medical records; amending RCW 70.02.020, 70.02.050, and 70.02.170; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2902 by Representatives Veloria, Constantine, Ballasiotes, Santos, Van Luven, Tokuda, O'Brien, Kenney, Lovick, Kessler, Regala, Edmonds, Stensen, Ogden and Kagi

AN ACT Relating to reporting information on routine traffic enforcement; and adding a new section to chapter 46.63 RCW.

Referred to Committee on Judiciary.

HB 2903 by Representatives Delvin, Lovick, B. Chandler, Grant, Hankins, Lisk, Buck, Ballasiotes, O'Brien, Hurst, Talcott and Fortunato

AN ACT Relating to law enforcement sound recordings; and amending RCW 9.73.090.

Referred to Committee on Judiciary.

HB 2904 by Representatives Carlson and Kenney

AN ACT Relating to the border county higher education opportunity pilot project; amending RCW 28B.15.012, 28B.15.0139, and 28B.80.806; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2905 by Representatives Linville, Delvin, Lovick, O'Brien, Hurst, McDonald, Rockefeller and Talcott

AN ACT Relating to job sharing by law enforcement officers and fire fighters; reenacting and amending RCW 41.26.030; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

HB 2906 by Representatives Fisher, Scott, Schual-Berke, Poulsen, Edwards, Keiser, Ruderman, Romero and Haigh

AN ACT Relating to planning by general purpose and special purpose local governments; and amending RCW 36.70A.103 and 36.70A.210.

Referred to Committee on Local Government.

HB 2907 by Representatives Stensen, Doumit, Quall, Conway, Wolfe, Clements, Keiser, Santos and Rockefeller

AN ACT Relating to retirement benefits; and amending RCW 41.32.4986 and 41.40.191.

Referred to Committee on Appropriations.

HB 2908 by Representatives Edwards, Fortunato, Morris, Eickmeyer, Anderson, Haigh and Santos

AN ACT Relating to the coordination of outdoor recreation licenses, permits, and use fees; adding new sections to chapter 79A.25 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 2909 by Representatives Esser, Reardon, O'Brien and Ballasiotes

AN ACT Relating to changing penalties for juveniles who unlawfully discharge a laser; amending RCW 9A.49.040; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2910 by Representative Clements

AN ACT Relating to payment for agricultural products; and amending RCW 20.01.390.

Referred to Committee on Agriculture & Ecology.

HB 2911 by Representatives Boldt, Mastin, McMorris and Clements

AN ACT Relating to performance evaluations for assistant secretaries of the department of social and health services; and amending RCW 43.20A.050.

Referred to Committee on Children & Family Services.

HB 2912 by Representatives Boldt and Clements

AN ACT Relating to use of psychiatric medications by children in state custody; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Children & Family Services.

HB 2913 by Representatives Wolfe, Schoesler, Romero and Haigh

AN ACT Relating to responsibilities of the state and local governments for criminal justice costs; and amending RCW 39.34.180.

Referred to Committee on Local Government.

HB 2914 by Representatives Poulsen, Bush, Ruderman, Morris, DeBolt, Reardon, Kastama, Cooper and Veloria

AN ACT Relating to telecommunications customers; adding new sections to chapter 43.10 RCW; adding a new section to chapter 80.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2915 by Representatives Pennington and Ruderman

AN ACT Relating to incentives to encourage the use of clean fuel motor vehicles; amending RCW 82.38.075, 70.120.170, and 70.94.015; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 2916 by Representatives Conway, Dunn, O'Brien, McIntire, Campbell, Kenney, Miloscia, Quall, Constantine, Wolfe, Keiser, Wood and Santos

AN ACT Relating to defining reasonable assurance for part-time faculty; and amending RCW 50.44.053.

Referred to Committee on Commerce & Labor.

HB 2917 by Representatives Radcliff, Fisher, Mitchell, Murray, Cooper, Ruderman, Edmonds, Edwards and Linville

AN ACT Relating to the commute trip reduction tax credit; amending RCW 82.04.4453, 82.16.048, 82.04.4454, and 82.16.049; repealing 1996 c 128 s 7 (uncodified); repealing 1996 c 128 s 6 and 1994 c 270 s 6 (uncodified); providing expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 2918 by Representatives McMorris, Radcliff, Mulliken, Mastin, Huff and G. Chandler

AN ACT Relating to state civil service reform without permitting collective bargaining over wages or wage-related matters; amending RCW 41.06.030, 41.06.070, 41.06.110, 41.06.150, 41.06.152, 41.06.160, 41.06.167, 41.06.170, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 41.06.500, 41.64.090, 28B.12.060, 34.05.030, 34.12.020, 41.50.804, 43.06.425, 43.33A.100, 49.46.010, 13.40.320, 39.29.006, 47.46.040, 72.09.100, 49.74.030, 49.74.040, 72.10.030, and 82.01.070; reenacting and amending RCW 41.04.340; adding new sections to chapter 41.06 RCW; creating new sections; repealing RCW 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.910, 41.06.163, 41.06.165, 41.06.380, and 41.06.382; providing effective dates; and declaring an emergency.

Referred to Committee on State Government.

HB 2919 by Representatives Santos, Benson, Keiser, Kessler, Kenney, Wolfe, Veloria, Stensen, Edwards, Wood, Ogden, Lantz, Conway and Haigh

AN ACT Relating to assisting low-income persons obtain affordable automobile liability insurance; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2920 by Representatives Dunshee, Radcliff, Thomas, Eickmeyer, Skinner and Santos

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

Referred to Committee on Finance.

HB 2921 by Representatives Dunn, Morris, Van Luven, Veloria and Santos

AN ACT Relating to public facility infrastructure development by Indian tribes; and amending RCW 82.14.370.

Referred to Committee on Economic Development, Housing & Trade.

HB 2922 by Representatives Grant, Mastin, Kessler and Santos

AN ACT Relating to rural coronary health centers; amending RCW 70.38.025; and creating a new section.

Referred to Committee on Health Care.

HB 2923 by Representatives Crouse, Ruderman and Morris

AN ACT Relating to public utility rights of way on aquatic lands; and amending RCW 79.90.470.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2924 by Representatives Kessler, Buck, Hatfield, Grant, Hankins, Doumit, Cody, Stensen, Edwards, Linville, Lantz, Morris, Conway and Santos

AN ACT Relating to the basic health plan; amending RCW 70.47.010, 70.47.020, and 41.05.140; and reenacting and amending RCW 43.79A.040.

Referred to Committee on Health Care.

HB 2925 by Representatives Kagi, Constantine, Kenney, Veloria, Edwards, Wood, Haigh and Santos

AN ACT Relating to using funds to improve the legal representation of indigent parents and children; and amending RCW 2.70.020.

Referred to Committee on Judiciary.

HB 2926 by Representatives DeBolt, Crouse, Alexander, Thomas, Kessler, Murray, Bush and Wolfe

AN ACT Relating to coal tax exemptions; and repealing RCW 82.08.812 and 82.12.812.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2927 by Representatives Ruderman, Lovick, Kagi, Edwards and Kastama

AN ACT Relating to second-hand child safety seats; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2928 by Representatives Doumit, Scott and Mulliken

AN ACT Relating to appeals under the shoreline management act; and amending RCW 90.58.190.

Referred to Committee on Local Government.

HB 2929 by Representatives McDonald and Linville

AN ACT Relating to on-site sewage disposal systems; amending RCW 70.118.020; adding new sections to chapter 70.118 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Agriculture & Ecology.

HB 2930 by Representatives Campbell, Pflug, Parlette, Mulliken, Pennington, Alexander, Schoesler, McDonald, Carrell, Delvin, Schindler, Esser, Ballasiotes, Skinner, Carlson, Cox, Koster, Sump, D. Schmidt, Lambert, Talcott, Bush, D. Sommers, B. Chandler, Woods, Cairnes, Barlean, McMorris, Ericksen, Boldt, Radcliff, Benson, Dunn, Mastin, Huff and G. Chandler

AN ACT Relating to medical savings accounts; adding a new section to chapter 82.04 RCW; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health Care.

HB 2931 by Representatives B. Chandler, Stensen, Cox, Schoesler, Wolfe, Grant, Mastin, Kessler, Linville, Doumit, Mulliken, Benson, Alexander, McMorris, Koster, Van Luven, Boldt, McDonald, Regala, Ogden, G. Chandler, Skinner and Haigh

AN ACT Relating to developing recommendations for continued funding assistance of fairs and youth shows; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2932 by Representatives Koster, Ericksen, Lambert and Fortunato

AN ACT Relating to hydraulic projects for streambank stabilization on farm and agricultural land; amending RCW 75.20.103; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 2933 by Representatives Koster, Ballasiotes, Boldt and B. Chandler

AN ACT Relating to the statute of limitations on criminal prosecutions; amending RCW 9A.04.080; and creating a new section.

Referred to Committee on Judiciary.

HB 2934 by Representative Koster

AN ACT Relating to accessory buildings and structures within the flood plain; and amending RCW 86.16.041.

Referred to Committee on Local Government.

HB 2935 by Representatives Ruderman, Campbell, Edwards, Kastama, Wolfe and Kagi

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.

Referred to Committee on Local Government.

HB 2936 by Representative Cairnes and Fortunato

AN ACT Relating to allowing voters of a regional transportation authority to reaffirm their prior vote to approve taxes to finance regional transit.

Held on first reading.

HB 2937 by Representatives Rockefeller, Fisher, Haigh, Linville, Huff, Anderson, Barlean, Lovick, Ericksen, Mitchell, Woods, Sullivan, Eickmeyer, Lantz, Kessler and O'Brien

AN ACT Relating to establishing a public/private partnership to manage and operate a passenger-only vessel system; amending RCW 81.84.005, 81.84.010, 81.84.020, 81.84.030, 81.84.060, 81.104.050, and 81.104.070; adding a new section to chapter 81.104 RCW; and repealing 1995 c 361 s 4 (uncodified).

Referred to Committee on Transportation.

HB 2938 by Representatives Barlean, DeBolt, Ericksen and Koster

AN ACT Relating to excise tax relief for food processors; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2939 by Representatives Linville and G. Chandler

AN ACT Relating to recycling and waste reduction; amending RCW 70.95.010, 70.95.090, and 70.95.290; and adding a new section to chapter 81.77 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2940 by Representatives Anderson and Dunshee

AN ACT Relating to sales and use tax exemptions for manufacturing machinery and equipment; and amending RCW 82.08.02565.

Referred to Committee on Finance.

HB 2941 by Representatives Lambert, Benson and Boldt

AN ACT Relating to training requirements for persons associated with the operation of family day-care services; and amending RCW 74.15.030.

Referred to Committee on Children & Family Services.

HB 2942 by Representatives Lambert and Benson

AN ACT Relating to simplifying laws related to family day-care providers; amending RCW 74.15.020, 74.15.030, 74.15.100, and 74.15.130; adding a new chapter to Title 74 RCW; and prescribing penalties.

Referred to Committee on Children & Family Services.

HB 2943 by Representatives Lambert, Thomas, McMorris, Mulliken and Benson

AN ACT Relating to requiring certain labor unions and professional associations to file and report information in the same manner as continuing political committees; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 2944 by Representative Lambert

AN ACT Relating to alternate operator services; and amending RCW 80.36.520.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2945 by Representatives Conway, Wolfe, Hurst, Kessler, Cooper, Dickerson, Cody, Edmonds, Veloria, Keiser, Ogden, Rockefeller, Haigh and Santos; by request of Governor Locke

AN ACT Relating to providing for early retirement in the plan 2 and plan 3 pension systems; amending RCW 41.26.430, 41.26.470, 41.35.680, 41.35.420, 41.40.630, 41.32.765, and 41.32.875; and providing an effective date.

Referred to Committee on Appropriations.

HB 2946 by Representatives Conway, Clements, Wood, Regala and Hurst

AN ACT Relating to local planning and zoning of gambling activities; amending RCW 9.46.295; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 2947 by Representative Dunn

AN ACT Relating to the valuation of real property; and amending RCW 84.40.030.

Referred to Committee on Finance.

HB 2948 by Representative Dunn

AN ACT Relating to replacing motor vehicle excise tax distributions to local governments; amending RCW 84.52.043, 84.52.065, 70.05.125, 82.14.200, 82.14.210, 82.14.310, 82.14.320, 82.14.330, and 82.14.380; adding a new section to chapter 43.79 RCW; repealing RCW 84.52.067; and providing an effective date.

Referred to Committee on Appropriations.

HB 2949 by Representative Dunn

AN ACT Relating to establishing a public lands task force; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 2950 by Representative Dunn

AN ACT Relating to terminating state operation of the Washington state ferry system and authorizing local government operation of a ferry system; amending RCW 47.06.050, 36.57A.010, 36.57A.060, 36.57A.090, 81.104.015, 47.56.030, 47.56.032, 47.60.013, 47.60.015, 47.60.040, 47.60.280, 47.60.282, 47.60.290, 47.60.300, 47.60.310, 47.60.326, 47.60.330, 47.60.140, 47.06.140, 47.04.140, 47.60.220, 47.60.230, 47.60.260, 47.60.649, 47.80.030, 47.60.010, 47.60.130, 47.12.023, 47.12.026, 47.56.050, 47.56.253, 47.60.145, 47.60.550, 47.64.005, 47.64.090, and 36.57A.120; adding a new section to chapter 47.64 RCW; creating new sections; repealing RCW 47.60.017, 47.60.020, 47.60.120, 47.60.122, 47.60.283, 47.60.652, 47.60.654, 47.60.680, 47.60.690, 47.60.700, 47.60.710, 47.60.720, 47.60.730, 47.60.740, 47.60.750, 47.60.760, 47.60.770, 47.60.772, 47.60.774, 47.60.776, 47.60.778, 47.60.780, and 47.64.006; and providing for submission of this act to a vote of the people.

Referred to Committee on Transportation.

HB 2951 by Representatives Veloria, Edmonds, Cody, Kagi, Mitchell and Santos

AN ACT Relating to physical therapy; amending RCW 18.74.005, 18.74.010, and 18.74.012; adding new sections to chapter 18.74 RCW; repealing RCW 18.74.085; and providing an expiration date.

Referred to Committee on Health Care.

HB 2952 by Representatives Edmonds, Kenney, Gombosky, Esser, Lantz, Pflug, Veloria, Edwards and Santos

AN ACT Relating to a study of distance education; and creating new sections.

Referred to Committee on Higher Education.

HJM 4025 by Representatives Schual-Berke, DeBolt, Haigh, Hurst, Lovick, Ogden, Murray, Edmonds and Keiser

Designating Historic U.S. Highway 99.

Referred to Committee on Transportation.

HJM 4026 by Representatives Doumit, Buck, Anderson, Sump, Eickmeyer, Hatfield and Schoesler

Requesting a review of migratory bird predation on salmonid stocks.

Referred to Committee on Natural Resources.

HJR 4215 by Representative Dunn

Amending the Constitution to allow additional methods to limit property tax increases.

Referred to Committee on Finance.

ESSB 5121 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senator Hargrove)

Establishing a carbon storage program.

Referred to Committee on Natural Resources.

SSB 5340 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, Jacobsen, Oke and Gardner; by request of Utilities & Transportation Commission)

Granting the utilities and transportation commission authority to inspect businesses that ship hazardous material by rail.

Referred to Committee on Transportation.

SB 5341 by Senators Haugen, Benton, Goings and Jacobsen; by request of Utilities & Transportation Commission

Removing the exemptions for certain vehicles from the provisions of chapter 81.80 RCW.

Referred to Committee on Transportation.

SSB 5378 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Wojahn, Fairley and Oke; by request of Department of Social and Health Services)

Changing service of process provisions for divisions of child support documents.

Referred to Committee on Judiciary.

SB 5542 by Senators B. Sheldon, Oke and T. Sheldon

Allowing counties to vote on an additional sales and use tax for emergency communication systems.

Referred to Committee on Local Government.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 19, 2000

HB 2337 Prime Sponsor, Representative Ballasiotes: Ordering implementation of a state-wide city and county jail booking and reporting system. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

January 19, 2000

HB 2339 Prime Sponsor, Representative O'Brien: Ranking the penalty for foreign protection order violations. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

January 24, 2000

HB 2340 Prime Sponsor, Representative O'Brien: Providing for removal of offenders from the drug offender sentencing alternative who are subject to a deportation order. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

January 19, 2000

HB 2341 Prime Sponsor, Representative O'Brien: Specifying community custody ranges. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

January 20, 2000

HB 2440 Prime Sponsor, Representative Mitchell: Making driver licensing laws more understandable. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Radcliff; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Edwards, Ericksen, Hankins, Buck, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Morris, Murray, Ogden, Radcliff, Schindler, Schual-Berke, Scott, Skinner, Wood and Woods.

Excused: Representatives Cooper, G. Chandler, Mielke, Pflug and Romero.

January 20, 2000

HB 2464 Prime Sponsor, Representative Fisher: Creating the multimodal transportation account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Morris; Murray; Ogden; Radcliff; Schindler; Schual-Berke; Skinner; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representative Mielke.

Voting yea: Representatives Fisher, Mitchell, Edwards, Ericksen, Hankins, Buck, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Murray, Ogden, Radcliff, Schindler, Schual-Berke, Scott, Skinner, Wood and Woods.

Excused: Representatives Cooper, G. Chandler, Mielke, Morris, Pflug and Romero.

MOTION

On motion of Representative Kessler, the rules were suspended and the bills listed on the day's committee reports under the fifth order of business were placed on the Second Reading calendar for Wednesday, January 26, 2000 with the exception of House Bill No. 2341 which was referred to the Committee on Appropriations.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4724, by Representatives Ericksen, Morris, Murray, Delvin, Barlean, Esser, Carlson, Talcott, Mastin, Quall, Hankins, DeBolt, Linville, Wensman, Dunn, Thomas and Woods

WHEREAS, It is the policy of the Washington State legislature to recognize and honor the contributions of individuals who reflect the standards of excellence that advance the well-being and quality of lives of all citizens of the state of Washington; and

WHEREAS, Charles B. "Chuck" West of Seattle and Bainbridge Island has been a key leader in the Northwest travel industry since the early 1950's; and

WHEREAS, Chuck West has operated Seattle-based travel companies since 1951 and founded two Seattle companies, Westours and Cruise West, each of which is still today an important Seattle employer; and

WHEREAS, Chuck West restored Seattle as a cruise gateway to Alaska for the first time since Alaska Steamship Company ceased operations in the 1950's; and

WHEREAS, Chuck West's company, Cruise West, now operates seven vessels from its Seattle headquarters, making it North America's leading small-ship cruise line; and

WHEREAS, Chuck West had the courage to develop and personally secure a Seattle-based company at an age when most people retire; and

WHEREAS, Chuck West is credited with being the postwar founder of Alaska package tourism and is responsible for bringing tens of thousands of guests from national and international markets through Washington State on their way to Alaska; and

WHEREAS, Chuck West has also brought thousands of guests to experience the beauty and hospitality of Washington State's Puget Sound and San Juan Islands and waters; and

WHEREAS, Chuck West has brought even more cruise travelers to the Columbia and Snake Rivers, visiting communities and historic sites in Washington State, as well as in our neighbor states, Oregon and Idaho; and

WHEREAS, Chuck West is, at age eighty-five, the Emeritus Chairman of Cruise West; and

WHEREAS, Chuck West has furthered a legacy of putting as little as possible between travelers and nature, thereby helping to fulfill their cherished dream of experiencing nature up close; and

WHEREAS, Chuck West has helped to instill within the many people that he has met and known the importance of protecting the environment by taking only photographs and leaving only a small ship's wake; and

WHEREAS, Chuck West was awarded the United States Air Force Distinguished Flying Cross for serving eighteen months of hazardous duty as a member of the Army Air Force China National Aviation Corporation, flying one hundred ninety-three missions over the Assam-China air routes ("The Hump") during World War II; and

WHEREAS, Chuck West served two years (1969 and 1970) as president of the American Society of Travel Agents (ASTA), the world's largest travel organization, helping to further Seattle's prestige in the international travel community; and

WHEREAS, The American Society of Travel Agents has inducted Chuck West into its Travel Hall of Fame; and

WHEREAS, The American Academy of Achievement awarded Chuck West its Golden Plate Award; and

WHEREAS, The Travel Industry Association of America presented Chuck West with the Travel Industry Hall of Leaders Award;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of

Representatives recognize and honor Chuck West for his entrepreneurial nature, pioneering spirit, and significant contributions to the travel industry in Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Washington State Tourism Division, the Port of Seattle, the Port of Tacoma, and the Port of Olympia.

Representative Ericksen moved adoption of the resolution.

Representatives Ericksen and Morris spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4724 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Ogden presiding) introduced members of the staff of Cruise West.

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

MOTION

On motion of Representative Hatfield, the House adjourned until 9:55 a.m., Tuesday, January 25, 2000, the 16th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTEENTH DAY, JANUARY 24, 2000

JOURNAL OF THE HOUSE

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

SIXTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, January 25, 2000

The House was called to order at 9:55 a.m. by Speaker Pro Tempore Pennington

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

INTRODUCTIONS AND FIRST READING

HB 2821 by Representatives Clements and Skinner

AN ACT Relating to reducing the state property tax; amending RCW 43.135.045, 84.52.043, and 84.52.065; adding a new section to chapter 84.55 RCW; and providing an expiration date.

Held on first reading from January 21, 2000.

HB 2827 by Representatives Fisher, Romero, Edwards, O'Brien, Murray, Ogden, McIntire, Haigh, Veloria and Wood; by request of Governor Locke

AN ACT Relating to authorizing a local option sales and use tax for transit under chapters 35.58, 36.57, and 36.57A RCW for fiscal year 2001; adding a new section to chapter 82.14 RCW; creating a new section; and providing an effective date.

Held on first reading from January 21, 2000.

HB 2936 by Representative Cairnes and Fortunato

AN ACT Relating to allowing voters of a regional transportation authority to reaffirm their prior vote to approve taxes to finance regional transit

Held on first reading from January 24, 2000.

HB 2953 by Representative Veloria

AN ACT Relating to election procedures; and amending RCW 29.15.130 and 29.30.095.

Referred to Committee on State Government.

HB 2954 by Representatives Fortunato and DeBolt

AN ACT Relating to public transportation services for elderly and disabled persons; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Transportation.

HB 2955 by Representatives Schoesler, G. Chandler, B. Chandler, Clements, Pennington and Lisk

AN ACT Relating to air pollution control authority's rule-making authority; and amending RCW 70.94.141.

Referred to Committee on Agriculture & Ecology.

HB 2956 by Representatives Kenney, Skinner, Lantz, Edwards, Wood and Santos; by request of Lieutenant Governor

AN ACT Relating to increasing technical training at state educational institutions; and creating new sections.

Referred to Committee on Higher Education.

HB 2957 by Representatives Haigh, Talcott, Quall, Miloscia, D. Schmidt, Wensman, Rockefeller, Conway, Lantz and Santos

AN ACT Relating to principal assessment and support; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 2958 by Representatives Veloria, Dunn, Eickmeyer, Fortunato, Benson, DeBolt and Kenney

AN ACT Relating to baseball stadiums; and amending RCW 82.14.360.

Referred to Committee on Economic Development, Housing & Trade.

HB 2959 by Representatives Lambert, McMorris, G. Chandler and Mulliken

AN ACT Relating to legislative approval of agency rules; amending RCW 19.85.030, 19.85.061, 34.05.010, 34.05.230, 34.05.314, 34.05.320, 34.05.328, 34.05.330, 34.05.350, 34.05.356, 34.05.534, 42.40.010, 42.40.020, 42.40.030, 43.31.086, and 43.180.110; adding new sections to chapter 34.05 RCW; creating a new section; and repealing RCW 34.05.610, 34.05.620, 34.05.630, 34.05.640, 34.05.650, 34.05.655, 34.05.660, 34.05.665, 34.05.671, 34.05.675, and 34.05.681.

Referred to Committee on State Government.

HB 2960 by Representatives Lambert, Lovick, Van Luven and Rockefeller

AN ACT Relating to internet software filtering technology on public school and public library computers; adding a new section to chapter 28A.150 RCW; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Education.

HB 2961 by Representatives Lambert and Lovick

AN ACT Relating to viewing of sexually explicit material from public thoroughfares; and amending RCW 9.68.130.

Referred to Committee on Judiciary.

HB 2962 by Representative Lambert

AN ACT Relating to guardians ad litem; amending RCW 2.56.030, 11.88.090, 13.34.100, 13.34.105, 13.34.120, 26.09.220, 26.10.130, and 26.12.175; and adding a new chapter to Title 26 RCW.

Referred to Committee on Judiciary.

HB 2963 by Representatives Ballasiotes, O'Brien and B. Chandler; by request of Department of Corrections

AN ACT Relating to agreements for the operation of correctional facilities and programs in any other state; amending RCW 72.68.010 and 72.68.040; adding a new section to chapter 72.68 RCW; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2964 by Representatives H. Sommers, Fisher, Radcliff, D. Schmidt, Cooper, McIntire, Kessler, Murray, Kagi, Constantine, Kenney, Edmonds, Cody, Dickerson, Edwards, Scott, Regala, Tokuda and Keiser

AN ACT Relating to a sales and use tax for regional transit authorities; adding a new section to chapter 82.14 RCW; creating a new section; and providing an expiration date.

Held on first reading.

HB 2965 by Representatives Schual-Berke, Santos, Dickerson, Constantine, Veloria, Haigh, Regala, Romero, Edmonds, Keiser, Cody and Dunshee

AN ACT Relating to creating the dedicated education account; amending RCW 67.70.040 and 67.70.240; adding new sections to chapter 67.70 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2966 by Representatives G. Chandler, Reardon, B. Chandler, Linville, Schoesler and Grant

AN ACT Relating to prioritizing and processing water rights changes; amending RCW 90.03.015; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2967 by Representatives Veloria, Dunn, Eickmeyer and Santos; by request of Lieutenant Governor

AN ACT Relating to economic analysis; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 2968 by Representatives Veloria, Dunn, Eickmeyer, Rockefeller, Conway and Kenney; by request of Lieutenant Governor

AN ACT Relating to cluster-based economic development; amending RCW 43.330.090; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HB 2969 by Representatives Eickmeyer, Dunn, Veloria and Kessler; by request of Lieutenant Governor

AN ACT Relating to local economic development capacity; and amending RCW 43.330.070.

Referred to Committee on Economic Development, Housing & Trade.

HB 2970 by Representatives Thomas, Dunshee and Conway

AN ACT Relating to requiring a fiscal review and a performance evaluation of tax exemptions for manufacturers; adding a new section to chapter 82.32 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2971 by Representatives Edwards, McDonald, Parlette, Rockefeller, Ruderman and Santos

AN ACT Relating to the endorsement of school sealant endorsed dental hygienists; adding new sections to chapter 18.29 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2972 by Representative Doumit

AN ACT Relating to criminal justice costs; and amending RCW 39.34.180.

Referred to Committee on Appropriations.

HB 2973 by Representative Cairnes

AN ACT Relating to payment of benefits for judges; and amending RCW 2.08.092 and 2.06.062.

Referred to Committee on Appropriations.

HB 2974 by Representatives Constantine, Poulsen, Fisher, Haigh, Lantz, Rockefeller, Cooper, Eickmeyer, Morris and Kessler

AN ACT Relating to passenger-only ferry operation districts; adding a new section to chapter 36.54 RCW; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 2975 by Representatives Anderson, Linville, Reardon, Stensen, Grant, Wood, Romero and Cody

AN ACT Relating to phasing out the use of mixing zones for persistent bioaccumulative toxic pollutants; amending RCW 90.48.020; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2976 by Representatives Regala and Buck

AN ACT Relating to directing the Washington department of fish and wildlife to seek endangered species act compliance for hydraulic projects permitted by the department; adding new sections to chapter 75.20 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 2977 by Representatives D. Schmidt and Romero; by request of State Board for Community and Technical Colleges

AN ACT Relating to the office of financial management's budgeting, accounting, and reporting requirements for state agencies; and amending RCW 43.88.160.

Referred to Committee on State Government.

HB 2978 by Representatives Ruderman, Van Luven, Hatfield, Stensen, Ogden, Kessler, Wood, Conway, Lantz, Keiser and Santos

AN ACT Relating to training for high technology job opportunities; adding a new chapter to Title 28B RCW; and making appropriations.

Referred to Committee on Higher Education.

HB 2979 by Representatives Ruderman, Ballasiotes, O'Brien, Stensen, Hurst, Delvin, Miloscia and Woods

AN ACT Relating to juvenile sex offender registration; and amending RCW 9A.44.140.

Referred to Committee on Criminal Justice & Corrections.

HB 2980 by Representatives Lovick, Radcliff, Dunshee, D. Schmidt, Thomas and Scott

AN ACT Relating to tax exemptions for public transportation systems; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 82.16 RCW.

Held on first reading.

HB 2981 by Representatives Ogden, Carlson, Murray, O'Brien, Anderson and Edmonds

AN ACT Relating to community-based housing for persons with developmental disabilities, mental illness, and youth with disabilities; and amending RCW 79.01.007 and 43.79.201.

Referred to Committee on Economic Development, Housing & Trade.

HB 2982 by Representatives Veloria, Van Luven, Eickmeyer, Dunn, Ruderman and Kenney; by request of Lieutenant Governor

AN ACT Relating to the development of a state-wide strategic plan for economic development; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HB 2983 by Representatives Edwards, O'Brien, Schual-Berke, Kastama, Kagi, Cody, Ruderman, Edmonds, Lovick, Stensen, Wolfe, Rockefeller and Keiser

AN ACT Relating to health and safety; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Commerce & Labor.

HB 2984 by Representatives Edwards, Cooper, Scott, Lovick, Ogden, Murray, O'Brien, Romero, Stensen, Keiser, Kenney and Schual-Berke

AN ACT Relating to eligibility for medical assistance; reenacting and amending RCW 74.09.510; making an appropriation; and providing an effective date.

Referred to Committee on Appropriations.

HB 2985 by Representatives Edwards, Fortunato, Scott and Doumit

AN ACT Relating to authorizing hearing examiners to issue final decisions regarding final plats of subdivisions; and amending RCW 58.17.070, 58.17.100, 58.17.110, 58.17.120, 58.17.130, 58.17.140, 58.17.150, 58.17.170, 58.17.190, 58.17.212, 58.17.215, 58.17.225, 58.17.310, and 58.17.330.

Referred to Committee on Local Government.

HB 2986 by Representatives Hatfield and Doumit; by request of Department of Emergency Management

AN ACT Relating to extending the expiration date of the enhanced 911 advisory committee; amending RCW 38.52.530; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2987 by Representative Cooper

AN ACT Relating to defining employees working under a site certificate issued under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

HB 2988 by Representatives Romero, Lambert, Regala, Anderson, Schual-Berke, Dickerson, Edwards, Wood and Ruderman

AN ACT Relating to information about initiatives; adding new sections to chapter 29.79 RCW; and adding a new section to chapter 29.81 RCW.

Referred to Committee on State Government.

HB 2989 by Representatives Conway, Delvin, Lovick, O'Brien, Hurst, McDonald and Stensen

AN ACT Relating to establishing a contribution rate and a postretirement cost-of-living allowance for Washington state patrol retirement system members; and amending RCW 43.43.260 and 43.43.300.

Referred to Committee on Appropriations.

HB 2990 by Representatives Conway and B. Chandler; by request of Department of Labor & Industries

AN ACT Relating to telecommunications contractors and installations; amending RCW 19.28.065, 19.28.310, 19.28.340, and 19.28.005; adding new sections to chapter 19.28 RCW; creating a new section; recodifying RCW 19.28.065, 19.28.070, 19.28.250, 19.28.310, 19.28.330, 19.28.340, 19.28.390, 19.28.630, 19.28.005, 19.28.015, 19.28.060, 19.28.120, 19.28.123, 19.28.125, 19.28.180, 19.28.190, 19.28.200, 19.28.210, 19.28.260, 19.28.300, 19.28.350, 19.28.360, 19.28.370, 19.28.510, 19.28.515, 19.28.520, 19.28.530, 19.28.540, 19.28.550, 19.28.560, 19.28.570, 19.28.580, 19.28.600, 19.28.610, and 19.28.620; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2991 by Representatives Dunshee, McIntire, Stensen, Regala, Rockefeller and Keiser

AN ACT Relating to sales and use taxes to support state parks; amending RCW 82.08.020; adding a new section to chapter 43.135 RCW; providing an effective date; and providing for submission of this act to vote of the people.

Held on first reading.

HB 2992 by Representatives Dunshee and McIntire

AN ACT Relating to studying road use areas; and creating new sections.

Referred to Committee on Natural Resources.

HB 2993 by Representatives G. Chandler and Cooper

AN ACT Relating to setting fires for fire fighter instruction; and amending RCW 52.12.150.

Referred to Committee on Local Government.

HB 2994 by Representatives Parlette, G. Chandler, B. Chandler and Linville

AN ACT Relating to trust water rights; and amending RCW 90.38.020 and 90.42.080.

Referred to Committee on Agriculture & Ecology.

HB 2995 by Representatives G. Chandler and Linville

AN ACT Relating to apiaries; amending RCW 15.60.005, 15.60.010, 15.60.050, 15.60.043, 15.60.040, and 17.24.007; adding new sections to chapter 15.60 RCW; recodifying RCW 15.60.005, 15.60.010, 15.60.050, 15.60.043, 15.60.040, 15.60.170, 15.60.180, 15.60.190, 15.60.210, 15.60.220, and 15.60.900; repealing RCW 15.60.007, 15.60.015, 15.60.020, 15.60.025, 15.60.030, 15.60.042, 15.60.100, 15.60.110, 15.60.120, 15.60.140, 15.60.150, and 15.60.230; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2996 by Representative G. Chandler

AN ACT Relating to water rights for the water rights claims registry; amending RCW 90.36.030 and 90.44.110; and adding a new section to chapter 90.14 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2997 by Representatives Linville and G. Chandler

AN ACT Relating to delegation of authority for water well tagging, sealing, and decommissioning; amending RCW 18.104.043; amending 1996 c 12 s 1 (uncodified); and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2998 by Representatives Parlette, G. Chandler, B. Chandler and Mulliken

AN ACT Relating to salmonid screening moneys; amending 1999 c 309 s 307 (uncodified); adding a new section to 1999 sp.s. c 13; and creating a new section.

Referred to Committee on Appropriations.

HB 2999 by Representatives G. Chandler and Linville

AN ACT Relating to the Washington state beef commission; amending RCW 16.67.040, 16.67.090, 16.67.100, 16.67.110, 16.67.120, 16.67.122, and 16.67.130; and repealing RCW 16.67.150.

Referred to Committee on Agriculture & Ecology.

HB 3000 by Representatives Parlette, Linville, Clements, Benson, D. Sommers, Mulliken, Mastin and Grant

AN ACT Relating to individuals purchasing health plans provided through associations; and amending RCW 48.44.024.

Referred to Committee on Health Care.

HB 3001 by Representatives Cooper, Reardon, Linville, Ruderman and Keiser

AN ACT Relating to siting of pipelines and other energy facilities; amending RCW 80.50.010, 80.50.020, 80.50.040, 80.50.060, 80.50.071, 80.50.090, 80.50.105, and 80.50.110; reenacting and amending RCW 80.50.150; adding new sections to chapter 80.50 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 3002 by Representatives Huff, Doumit, Radcliff, Hatfield, Cairnes, Clements, Campbell, Kessler, Parlette, McDonald, Lisk, Mulliken, Woods, Sump, Alexander, Ogden, Wensman, Benson, D. Sommers, B. Chandler, Dunn, Edwards and Mitchell

AN ACT Relating to implementing and enforcing the federal prohibition against export from the United States of unprocessed timber from lands owned by the state; adding a new chapter to Title 43 RCW; prescribing penalties; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 3003 by Representative Koster

AN ACT Relating to mail ballot precincts; and reenacting and amending RCW 29.36.120.

Referred to Committee on State Government.

HB 3004 by Representative McMorris

AN ACT Relating to studying the impacts of state employee collective bargaining; and creating a new section.

Referred to Committee on State Government.

HB 3005 by Representatives Grant, Mastin, Keiser and Santos

AN ACT Relating to revising the methodology applied to certificates of need for rural coronary health centers; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care.

HB 3006 by Representatives Quall, Stensen, Scott, Ogden, Kessler, Conway, Keiser, Santos, Kenney and Schual-Berke

AN ACT Relating to safe and civil learning environments in schools and preventing bullying and other threatening, disruptive, or violent behavior in schools; amending RCW 28A.600.460 and 28A.150.240; adding a new section to chapter 28A.415 RCW; and creating new sections.

Referred to Committee on Education.

HB 3007 by Representatives Grant, Mastin, Doumit and Huff

AN ACT Relating to wholesaler's and retailer's services in affixing cigarette excise tax stamps; and amending RCW 82.24.070.

Referred to Committee on Commerce & Labor.

HB 3008 by Representatives Anderson, Barlean, Morris, Quall, Dunshee and Santos

AN ACT Relating to trust land transfer; and adding a new section to chapter 79.08 RCW.

Referred to Committee on Natural Resources.

HB 3009 by Representatives Schoesler, Thomas, Radcliff, Dunn, Delvin, B. Chandler, Lisk, Mastin, Cox and Mitchell

AN ACT Relating to performance audits conducted by the state auditor; and amending RCW 43.88.160.

Referred to Committee on State Government.

HB 3010 by Representatives McDonald, O'Brien, Talcott, Benson, Ogden, Conway, Rockefeller, Santos and Kenney

AN ACT Relating to participation in health care authority insurance plans and contracts by surviving spouses and dependent children of emergency service personnel killed in the line of duty; amending RCW 41.05.011, 41.05.011, and 41.05.080; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 3011 by Representatives Lambert and Ruderman; by request of Secretary of State

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

Referred to Committee on Local Government.

HB 3012 by Representative Dunshee

AN ACT Relating to enhancing legislative auditing and review authority; amending RCW 44.28.005, 44.28.010, 44.28.020, 44.28.030, 44.28.050, 44.28.060, 44.28.065, 44.28.071, 44.28.075, 44.28.080, 44.28.083, 44.28.088, 44.28.094, 44.28.097, 44.28.100, 44.28.110, 44.28.120, 44.28.130, 44.28.150, 44.28.155, 44.28.800, 28A.630.830, 28B.20.382, 39.29.080, 41.06.070, 42.48.060, 43.09.310, 43.79.270, 43.79.280, 43.88.020, 43.88.090, 43.88.160, 43.88.205, 43.88.230, 43.88.310, 43.88.510, 43.131.050, 43.131.060, 43.131.070, 43.131.080, 43.131.110, 43.250.080, 44.40.025, 67.70.310, and 74.09.415; reenacting and amending RCW 79.01.006; adding a new section to chapter 44.28 RCW; creating new sections; repealing RCW 43.21J.800; and providing expiration dates.

Referred to Committee on State Government.

HB 3013 by Representatives Carlson, Rockefeller, Esser, McIntire, Cox, Doumit and Wolfe

AN ACT Relating to local government funding assistance; adding new sections to 1999 c 309 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3014 by Representatives Schual-Berke, Cody, Parlette, Edwards and Edmonds

AN ACT Relating to the scopes of practice for vision care providers; amending RCW 18.53.010, 18.53.140, 69.41.030, 69.50.101, 18.34.020, 18.34.060, 18.34.050, 18.34.080, 18.34.120, 18.34.136, and 18.34.010; adding a new section to chapter 18.53 RCW; adding a new section to chapter 70.41 RCW; adding new sections to chapter 18.34 RCW; recodifying RCW 18.34.010 and 18.34.060; and repealing RCW 18.34.110.

Referred to Committee on Health Care.

HB 3015 by Representative Lambert

AN ACT Relating to parenting plan limitations; and amending RCW 26.09.191 and 26.10.160.

Referred to Committee on Judiciary.

HB 3016 by Representatives Parlette and Cody

AN ACT Relating to providing state medical assistance reimbursements for small rural hospitals that meet the criteria of a critical access hospital; adding new sections to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 3017 by Representatives Kessler, Cooper, Barlean, Anderson, Reardon, Linville, Hatfield, Stensen, Wolfe, Ogden, Rockefeller, Conway, Keiser and Santos

AN ACT Relating to oil spill prevention measures for oil tankers; amending RCW 88.16.190; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 3018 by Representatives McMorris and Sump

AN ACT Relating to allotments by the state board of education for school plant facilities; and amending RCW 28A.525.168.

Referred to Committee on Education.

HB 3019 by Representatives Fortunato, Mulliken and Mielke

AN ACT Relating to incentives for jurisdictions to implement the growth management act; adding new sections to chapter 36.70A RCW; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 3020 by Representative Fortunato

AN ACT Relating to disclosure of information regarding treatment or care of minors; amending RCW 70.02.050; and reenacting and amending RCW 70.24.105.

Referred to Committee on Health Care.

HB 3021 by Representatives Schindler, Eickmeyer, Mulliken, Haigh, Mielke, Koster, Fortunato and Kessler

AN ACT Relating to incorporating effective economic development planning into growth management planning; amending RCW 36.70A.010, 36.70A.020, 36.70A.030, 36.70A.070, and 36.70A.130; adding new sections to chapter 36.70A RCW; adding a new section to chapter 44.52 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 3022 by Representatives Van Luven, Veloria, G. Chandler, Dunn, Eickmeyer, Morris, Miloscia, Radcliff, Skinner, D. Sommers, Campbell, Mulliken and Wood

AN ACT Relating to designation of a regional spaceport authority; adding a new chapter to Title 43 RCW; adding a new chapter to Title 53 RCW; and creating a new section.

Referred to Committee on Economic Development, Housing & Trade.

HJR 4216 by Representative Cairnes

Amending the state Constitution with respect to judge salaries and benefits.

Referred to Committee on Appropriations.

HCR 4427 by Representatives Kenney, Carlson, Stensen, Regala, Rockefeller, Dunn and Lantz; by request of Higher Education Coordinating Board

Adopting the recommendations of the higher education coordinating board's year 2000 update of the master plan.

Referred to Committee on Higher Education.

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

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

There being no objection, House Bill No. 1711 was referred from the Rules Committee to the Committee on Health Care, and House Bill No. 2715 was referred from the Committee on Judiciary to the Committee on Criminal Justice and Corrections.

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

There being no objection, the House adjourned until 10:00 a.m., Wednesday, January 26, 2000, the 17th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

SIXTEENTH DAY, JANUARY 25, 2000

JOURNAL OF THE HOUSE

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

SEVENTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 26, 2000

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

The flag was escorted to the rostrum by the Washinton National Guard Combined Color Guard. The National Anthem was sung by Staff Sergeant Marvin Shields, Air National Guard, Tacoma. The prayer was offered by Chaplain Richard Flath, Washington Army National Guard and Pastor at Zion Lutheran Church, Snohomish.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4726, by Representatives D. Schmidt, Sullivan, Benson, Carrell, Pennington, Talcott, Sump, Buck, Skinner, Fortunato, G. Chandler, Alexander, Mulliken, Barlean, Carlson, McDonald, Woods, Ballasiotes, D. Sommers, Campbell, B. Chandler, Dunn, Cairnes, Huff, Esser, Ericksen, Constantine, Kessler, Hurst, Pflug, Hankins, Romero, Morris, Thomas, Wensman, Kagi, Edmonds, Lovick, Conway, Hatfield and Tokuda

WHEREAS, Over eight thousand men and women of the Washington National Guard continue to serve the country as a key part of our national defense; and

WHEREAS, These citizen soldiers who reside in every legislative district throughout Washington volunteer their time and personal efforts to serve the needs of the people of Washington State; and

WHEREAS, The Guard is assisting local communities with their health needs through Operation Guardcare, a program under which medical personnel give care to medically underserved areas through inoculations and wellness services; and

WHEREAS, The Guard is active in promoting positive activities for the youth of our state through active involvement in the DARE program, drug demand reduction presentations at local schools, and Camp Minuteman, a motivational summer youth experience at Camp Murray; and

WHEREAS, The Guard makes a major contribution to our state's war on drugs by providing soldiers and equipment in support of local law enforcement through thirty-five different agencies. These counterdrug support efforts by our men and women last year contributed to many drug-related arrests, and seizures and destruction of millions of dollars of illegal drugs; and

WHEREAS, The Guard continues its high priority support for local communities by opening armories for public use for classes, food banks, and community and youth activities. The Guard also answered numerous calls for assistance from local communities for missions varying from traditional color guards to hauling food in support of anti-hunger initiatives; and

WHEREAS, The Guard every year adds another chapter in its history as an essential part of our state's ability to protect lives and property in both civil and natural disasters;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its appreciation to the families and employers of our Guard soldiers and airpersons for their support without which the Guard's mission could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives specifically and particularly recognize the value of a strong Washington National Guard to the economy and well-being of this state, both through the occasional performance of its state disaster relief mission, and through the ongoing benefit to local communities by the presence of productively employed, drug-free, and efficiently trained Guard units and the armories that house them; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretary of the Army, the Secretary of the Air Force, and the President of the United States.

Representative Schmidt moved adoption of the resolution.

Representatives Schmidt, Sullivan, D. Sommers, Haigh, Talcott, Benson, Carrell, Miloscia, Skinner, Morris, Clements, Van Luven and Lambert spoke in favor of the adoption of the resolution.

House Resolution No. 99-4726 was adopted.

Speaker Chopp asked the Chamber to acknowledge members of the Washington National Guard and former House of Representatives member, Phillip Dyer.

HOUSE RESOLUTION NO. 2000-4727, by Representatives Skinner, Wensman, Thomas, Dunn and Pflug

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals and organizations that reflect standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Toastmasters International is a leading movement in making effective oral communication a national and international reality for all persons; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, helps men and women of all ages learn the arts of speaking, listening, and thinking, vital skills that promote self-actualization, enhance leadership potential, foster human understanding, and contribute to the betterment of all mankind; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, provides a mutually supportive and positive learning environment in which every member has the opportunity to develop the communication and leadership skills which foster self-confidence and personal growth; and

WHEREAS, Toastmasters International member Toastmaster Clubs usually meet each week for one to two hours and usually contain three main elements: Prepared speeches, impromptu speeches, and evaluations of speeches, providing feedback on the positive aspects of the speeches and friendly suggestions for improvement; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, benefits individuals, companies, communities, and countries by providing potential leaders in all walks of life the skills, discipline, and confidence needed to succeed; and

WHEREAS, Toastmasters International currently has over eight thousand member Toastmaster Clubs world-wide made up of approximately one hundred seventy thousand members with over three thousand four hundred members in the state of Washington, and is growing by approximately two hundred fifty new members world-wide each day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the Toastmasters International and its member Toastmaster Clubs for the contributions they have provided the citizens of this state; and

BE IT FURTHER RESOLVED, That the week of January 31, 2000, through February 6, 2000, be recognized as Toastmaster Week, and that all persons be encouraged to participate in the beneficial programs Toastmasters International provides through its member Toastmaster Clubs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Steven J. Kennedy, Public Relations Officer, Toastmasters International, District Two of the state of Washington.

House Resolution No. 2000-4727 was adopted.

INTRODUCTIONS AND FIRST READING

HB 2821 by Representatives Clements and Skinner

AN ACT Relating to reducing the state property tax; amending RCW 43.135.045, 84.52.043, and 84.52.065; adding a new section to chapter 84.55 RCW; and providing an expiration date.

Held on first reading from January 21, 2000.

HB 2827 by Representatives Fisher, Romero, Edwards, O'Brien, Murray, Ogden, McIntire, Haigh, Veloria and Wood; by request of Governor Locke

AN ACT Relating to authorizing a local option sales and use tax for transit under chapters 35.58, 36.57, and 36.57A RCW for fiscal year 2001; adding a new section to chapter 82.14 RCW; creating a new section; and providing an effective date.

Held on first reading from January 21, 2000.

HB 2936 by Representative Cairnes and Fortunato

AN ACT Relating to allowing voters of a regional transportation authority to reaffirm their prior vote to approve taxes to finance regional transit.

Held on first reading from January 24, 2000.

HB 2964 by Representatives H. Sommers, Fisher, Radcliff, D. Schmidt, Cooper, McIntire, Kessler, Murray, Kagi, Constantine, Kenney, Edmonds, Cody, Dickerson, Edwards, Scott, Regala, Tokuda and Keiser

AN ACT Relating to a sales and use tax for regional transit authorities; adding a new section to chapter 82.14 RCW; creating a new section; and providing an expiration date.

Held on first reading from January 25, 2000.

HB 2980 by Representatives Lovick, Radcliff, Dunshee, D. Schmidt, Thomas and Scott

AN ACT Relating to tax exemptions for public transportation systems; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 82.16 RCW.

Held on first reading from January 25, 2000.

HB 2991 by Representatives Dunshee, McIntire, Stensen, Regala, Rockefeller and Keiser

AN ACT Relating to sales and use taxes to support state parks; amending RCW 82.08.020; adding a new section to chapter 43.135 RCW; providing an effective date; and providing for submission of this act to vote of the people.

Held on first reading from January 25, 2000.

HB 3023 by Representatives Radcliff and Mitchell

AN ACT Relating to the transportation infrastructure financing act; amending RCW 82.03.130; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 47 RCW; and repealing RCW 39.88.010, 39.88.020, 39.88.030, 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090, 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905, 39.88.910, 39.88.915, and 84.55.080.

Referred to Committee on Transportation.

HB 3024 by Representatives Mitchell, Fisher, Buck, Haigh, G. Chandler, Hurst, Radcliff, Ogden, Fortunato and Wood

AN ACT Relating to wetland preservation; and adding a new chapter to Title 43 RCW.

Referred to Committee on Transportation.

HB 3025 by Representatives Mitchell, Fisher, Radcliff, Linville and Wood

AN ACT Relating to environmental permitting; and adding a new section to Title 81 RCW.

Referred to Committee on Transportation.

HB 3026 by Representatives Murray, Ogden, Regala, Santos and McIntire

AN ACT Relating to the creation of a task force to review the death penalty; adding a new section to chapter 10.95 RCW; making appropriations; and providing an expiration date.

Referred to Committee on Judiciary.

HB 3027 by Representatives Murray, Gombosky, Ogden, Kagi, Santos, Veloria and McIntire

AN ACT Relating to the installation of baby changing devices in public facilities; adding a new section to chapter 19.27 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 3028 by Representatives Mastin and Grant

AN ACT Relating to a program for the recovery of fish runs listed under the federal endangered species act; adding a new section to chapter 75.46 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 3029 by Representatives Mastin, Barlean, Regala, Grant, Santos, Crouse, McMorris, Boldt, Kessler, Anderson, Cox, Lambert, D. Sommers, Van Luven and Mitchell

AN ACT Relating to contracting for family development services; adding a new section to chapter 43.31 RCW; adding a new section to chapter 74.12 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 3030 by Representative Koster

AN ACT Relating to the disposal of state trust land near Darrington, Washington; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 3031 by Representatives Mulliken, Doumit and Hatfield

AN ACT Relating to integrating permitting for development on shorelines not of state-wide significance into the growth management act; and amending RCW 90.58.180, 90.58.140, and 36.70A.030.

Referred to Committee on Local Government.

HB 3032 by Representative Mulliken

AN ACT Relating to annexations by less than county-wide port districts in areas having no registered voters; and amending RCW 53.04.150.

Referred to Committee on Local Government.

HB 3033 by Representatives Alexander, D. Schmidt, Veloria, Van Luven, Dunn, Campbell, Fortunato, Edwards, Haigh, Skinner and Woods

AN ACT Relating to termination of rental agreements by members of the armed forces; and amending RCW 59.18.200.

Referred to Committee on Economic Development, Housing & Trade.

HB 3034 by Representatives Kenney, McIntire, Rockefeller, Cox, Van Luven, Keiser, Constantine, Edmonds, Edwards, Kagi, Haigh and Santos

AN ACT Relating to foreign language instruction; and creating new sections.

Referred to Committee on Education.

HB 3035 by Representatives D. Schmidt and Romero; by request of Washington State Patrol

AN ACT Relating to fire sprinkler systems; and amending RCW 18.160.030 and 18.160.040.

Referred to Committee on Commerce & Labor.

HB 3036 by Representatives D. Schmidt and Romero; by request of Washington State Patrol

AN ACT Relating to submission of unidentified persons information; and amending RCW 68.50.330.

Referred to Committee on State Government.

HB 3037 by Representatives Romero and D. Schmidt; by request of Washington State Patrol

AN ACT Relating to missing persons record retention policies; and amending RCW 68.50.320.

Referred to Committee on State Government.

HB 3038 by Representatives Radcliff, Carlson, DeBolt, D. Schmidt, Schoesler, Thomas, Parlette and Koster

AN ACT Relating to the performance pay incentive plan for exceptional teachers; amending RCW 28A.400.200, 28A.405.100, 28A.415.010, 28A.300.130, and 41.32.010; adding a new section to chapter 28A.400 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 3039 by Representative Conway

AN ACT Relating to the inclusion of the value of employer-provided health insurance in the calculation of an injured worker's wage at time of injury; and amending RCW 51.08.178.

Referred to Committee on Commerce & Labor.

HB 3040 by Representatives Ogden, Fisher, Mitchell and Hatfield

AN ACT Relating to riding on roadways and bicycle paths; and amending RCW 46.61.770.

Referred to Committee on Transportation.

HB 3041 by Representatives Linville and G. Chandler

AN ACT Relating to clarifying state agency responsibility for cleaning up contaminated sediments; amending RCW 79.90.465; adding new sections to chapter 79.90 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.

HB 3042 by Representatives D. Schmidt and Romero; by request of State Treasurer

AN ACT Relating to the appointment of personnel for the office of the state treasurer; and amending RCW 43.08.120.

Referred to Committee on State Government.

HB 3043 by Representative H. Sommers; by request of Office of Financial Management

AN ACT Relating to account transfers by the state treasurer; adding a new section to chapter 43.08 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3044 by Representatives Woods, Radcliff and Schoesler

AN ACT Relating to information on students; amending RCW 28A.225.330 and 13.04.155; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 3045 by Representatives Wood and Clements

AN ACT Relating to class 1 racing licenses; and amending RCW 67.16.200.

Referred to Committee on Commerce & Labor.

HB 3046 by Representatives Talcott, Keiser, Quall, DeBolt, D. Schmidt, Schoesler and Thomas

AN ACT Relating to the creation of a pilot program for teachers to increase student achievement through their instructional leadership; adding new sections to chapter 28A.405 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

HB 3047 by Representatives Stensen, Carlson, Ogden, Regala, Anderson, Murray, Kenney, Constantine, Edmonds and Santos

AN ACT Relating to school district levies; and amending RCW 84.52.053.

Referred to Committee on Education.

HB 3048 by Representatives D. Schmidt and Romero; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to correcting obsolete references to the department of community, trade, and economic development; amending RCW 19.27.150, 19.27.097, 19.27.190, 27.34.310, 28A.300.160, 28B.06.030, 34.05.330, 35.02.260, 35.21.300, 35.21.687, 35.21.779, 36.34.137, 39.44.210, 39.44.230, 43.19.1920, 43.19.19201, 43.20A.037, 43.22.495, 43.70.530, 43.70.540, 43.79.201, 43.133.030, 43.133.050, 43.150.040, 43.280.011, 43.280.070, 43.310.020, 43.330.125, 43.330.135, 47.12.064, 47.50.090, 47.76.230, 53.36.030, 59.24.020, 59.24.050, 59.24.060, 66.08.195, 66.08.198, 67.38.070, 68.60.030, 70.05.125, 70.95.260, 70.95.265, 70.95.810, 70.105.020, 72.09.055, 72.65.210, 74.08A.010, 74.14B.060, 79A.30.050, 79A.50.100, 84.36.560, 88.02.053, 90.03.247, 19.27A.020, 19.29A.010, 28B.38.020, 28B.38.050, 43.17.065, 43.20A.750, 43.31.805, 43.63A.230, 43.88.093, 50.38.030, 67.28.8001, 43.06.115, 43.21J.030, 43.157.010, 43.157.030, 46.16.340, 43.220.070, 90.56.100, and 90.56.280; reenacting and amending RCW 43.105.020; reenacting RCW 48.50.040; creating new sections; decodifying RCW 35.22.660, 35.22.680, 35A.63.149, 35A.63.210, 36.32.520, 36.32.560, 36.70.675, 36.70.755, 70.95H.005, 70.95H.007, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.050, 70.95H.800, 70.95H.900, and 70.95H.901; repealing RCW 43.31.409, 43.168.010, 43.168.055, 43.168.060, 43.168.070, 43.168.090, 43.168.100, 43.168.110, 43.168.120, 43.168.130, 43.168.140, 43.168.150, and 43.168.900; and providing a contingent effective date.

Referred to Committee on Economic Development, Housing & Trade.

HB 3049 by Representatives Dunshee, Scott, Esser, Van Luven, Veloria, Santos, D. Schmidt, Romero and Miloscia

AN ACT Relating to citizen participation in the discussion of public issues; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on State Government.

HB 3050 by Representatives Fisher and Edwards

AN ACT Relating to a review of Interstate 90 interchanges; and creating a new section.

Referred to Committee on Transportation.

HB 3051 by Representatives Fisher, Haigh, Wood, Ogden, Edwards, Rockefeller and McIntire

AN ACT Relating to local transportation funding; amending RCW 82.80.020, 82.80.080, 84.52.010, 84.52.120, 82.36.440, 82.38.280, 35.21.710, 82.80.010, 82.80.030, and 82.14.045; adding new sections to chapter 82.80 RCW; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 35 RCW; creating a new section; and providing an effective date.

Held on first reading.

HB 3052 by Representative Miloscia

AN ACT Relating to thresholds for utilizing design-build procedures under alternative public works contracting procedures; and amending RCW 39.10.020 and 39.10.050.

Referred to Committee on State Government.

HB 3053 by Representatives Edmonds, Miloscia, Campbell and Dunshee

AN ACT Relating to the regulation of geologists; adding a new chapter to Title 18 RCW; prescribing penalties; providing effective dates; and providing for submission of a certain section of this act to a vote of the people.

Referred to Committee on Commerce & Labor.

HB 3054 by Representatives Ruderman, Lambert, Edwards and Rockefeller

AN ACT Relating to public records; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 3055 by Representatives Doumit and Ogden

AN ACT Relating to enhanced 911 excise taxes; amending RCW 38.52.010, 38.52.530, 38.52.540, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.061, and 82.14B.200; reenacting and amending RCW 43.84.092; adding new sections to chapter 38.52 RCW; creating a new section; providing effective dates; providing an expiration date; and providing for submission of this act to a vote of the people.

Referred to Committee on Finance.

HB 3056 by Representatives Linville and G. Chandler

AN ACT Relating to water pollution control; amending RCW 90.48.010, 90.48.020, 90.82.060, and 90.82.090; adding new sections to chapter 90.48 RCW; and adding a new section to chapter 90.82 RCW.

Referred to Committee on Agriculture & Ecology.

HB 3057 by Representatives Koster and Schindler

AN ACT Relating to equalization of setbacks enacted by local governments under the authority of the growth management act or the shoreline management act; and amending RCW 90.58.100 and 36.70A.172.

Referred to Committee on Local Government.

HB 3058 by Representatives Schindler, Fortunato, Mielke and Esser

AN ACT Relating to transportation congestion reduction; amending RCW 43.17.020, 47.01.021, 47.01.031, 47.01.041, 47.01.071, and 47.01.250; reenacting and amending RCW 47.01.101; adding a new chapter to Title 47 RCW; creating a new section; repealing RCW 47.01.051, 47.01.061, 47.05.010, 47.05.021, 47.05.030, 47.05.035, 47.05.051, and 47.05.090; and providing effective dates.

Referred to Committee on Transportation.

HB 3059 by Representatives G. Chandler, Cooper, Hatfield and D. Schmidt

AN ACT Relating to training fires; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Agriculture & Ecology.

HB 3060 by Representatives Edwards, Barlean, Scott, Van Luven, G. Chandler, Regala, Quall, Esser, Ruderman, McDonald, Kenney, Edmonds, Fisher, McMorris, Veloria, Doumit, Wensman, Ogden, Dunn, Rockefeller and Santos

AN ACT Relating to a local real estate excise tax for maintenance and operations; amending RCW 82.46.010; and reenacting and amending RCW 82.46.035.

Referred to Committee on Local Government.

HB 3061 by Representatives Lantz, Bush, Keiser, Campbell and Haigh

AN ACT Relating to public facility siting and planning; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 3062 by Representatives Carrell, O'Brien, McDonald and Ballasiotes

AN ACT Relating to establishing qualifications to reckless endangerment involving certain weapons; amending RCW 9A.36.050; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 3063 by Representatives Conway and Clements

AN ACT Relating to zoning and licensing of gambling activities; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 3064 by Representatives Conway and Clements

AN ACT Relating to zoning and licensing of gambling activities; amending RCW 9.46.295; and adding new sections to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 3065 by Representatives Gombosky, Carlson, Kenney, Radcliff, Edmonds, Wood, Santos and McIntire; by request of Lieutenant Governor

AN ACT Relating to increasing work-based training at state educational institutions; and creating new sections.

Referred to Committee on Higher Education.

HB 3066 by Representatives Esser, Edmonds, Koster, Ogden, Bush, O'Brien, Anderson, Cairnes, Cooper, Carrell, Kastama, Boldt, Reardon, D. Sommers, McIntire, Mielke, Miloscia, Dunn, Morris, Linville, Kagi and Santos

AN ACT Relating to creating the growth management infrastructure account; reenacting and amending RCW 43.84.092; adding a new section to chapter 36.70A RCW; creating a new section; and providing an effective date.

Referred to Committee on Capital Budget.

HB 3067 by Representatives Fisher, Mitchell, H. Sommers, Delvin, Hurst, Conway, Ogden, Lovick, Edwards, Rockefeller and McIntire; by request of Washington State Patrol

AN ACT Relating to service credit for a member of the Washington state patrol retirement system during paid leave of absence; adding a new section to chapter 43.43 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 3068 by Representatives Kessler, Hankins, Delvin, Mastin, Grant, Linville and G. Chandler

AN ACT Relating to exempting privatization contracts for the treatment of radioactive waste and hazardous substances from property taxes; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 2000

HB 2580 Prime Sponsor, Representative Hurst: Authorizing changes to the VIN inspection program.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hurst; Lovick; McDonald; Mielke; Morris; Ogden; Pflug; Radcliff; Romero; Schindler; Scott; Skinner; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representative Hatfield.

Voting yea: Representatives Fisher, Mitchell, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hurst, Lovick, McDonald, Mielke, Morris, Ogden, Pflug, Radcliff, Romero, Schindler, Scott, Skinner, Wood and Woods.

Voting nay: Representative Hatfield.

Excused: Representatives Edwards, Murray and Schual-Berke.

MOTION

On motion of Representative Kessler, the rules were suspended and House Bill No. 2580 was placed on the Second Reading calendar for January 27, 2000.

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

SECOND READING

MOTION

On motion of Representative Wolfe, Representatives Kastama, Dickerson and Schual-Berke were excused.

HOUSE BILL NO. 2337, by Representatives Ballasiotes, O'Brien, Cairnes, Kagi, B. Chandler, Lovick, Delvin, Carlson and Conway

Ordering implementation of a state-wide city and county jail booking and reporting system.

The bill was read the second time. There being no objection, Substitute House Bill No. 2337 was substituted for House Bill No. 2337 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2337 was read the second time.

Representative Ballasiotes moved the adoption of the following amendment (417):

On page 2, line 26, after "committee," insert "the judicial information system,"

Representatives Ballasiotes and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ballasiotes moved the adoption of the following amendment (418):

On page 4, after line 2, insert the following:

"NEW SECTION. **Sec. 4.** If the Washington association of sheriffs and police chiefs does not receive federal funding for purposes of this act by December 31, 2000, this act is null and void."

Correct the title.

Representatives Ballasiotes and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2337.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2337 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Kastama and Schual-Berke - 3.

Engrossed Substitute House Bill No. 2337, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2339, by Representatives O'Brien, Ballasiotes and Hurst; by request of Sentencing Guidelines Commission

Ranking the penalty for foreign protection order violations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2339.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2339 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Kastama and Schual-Berke - 3.

House Bill No. 2339, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2340, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2440, by Representatives Mitchell, Fisher, Hankins, Edwards, Cooper, Ruderman, Pflug, Wood and Hurst

Making driver licensing laws more understandable.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2440.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2440 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dickerson, Kastama and Schual-Berke - 3.

House Bill No. 2440, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2464, by Representatives Fisher, Mitchell, Edwards, Hankins, Lovick, Kessler, Cody, Conway, Tokuda, Cooper, Wolfe, Van Luven, Ogden, Ruderman, Murray, Scott, Stensen, Edmonds, Wood and Hurst

Creating the multimodal transportation account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fisher spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2464.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2464 and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives Boldt, Dunn and Mielke - 3.

Excused: Representatives Dickerson, Kastama and Schual-Berke - 3.

House Bill No. 2464, having received the constitutional majority, was declared passed.

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

There being no objection, House Bill No. 1636 was referred from the Rules Committee to the Committee on State Government, House Bill No. 2739 was referred from the Committee on Education to the Committee on Health Care, and House Bill No. 3018 was referred from the Committee on Education to the Committee on Capital Budget.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a. m., Thursday, January 27, 2000, the 18th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

SEVENTEENTH DAY, JANUARY 26, 2000

JOURNAL OF THE HOUSE

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

EIGHTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, January 27, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joanna Repsold and Andrew Bates. Prayer was offered by Reverend Douglas Dornhecker, First Christian Church, Disciples of Christ, Olympia.

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

MESSAGE FROM THE SENATE

April 7, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5932,

SECOND SUBSTITUTE SENATE BILL NO. 6199,

and the same are herewith transmitted.

Brad J. Hendrickson, Deputy Secretary

INTRODUCTIONS AND FIRST READING

HB 2821 by Representatives Clements and Skinner

AN ACT Relating to reducing the state property tax; amending RCW 43.135.045, 84.52.043, and 84.52.065; adding a new section to chapter 84.55 RCW; and providing an expiration date.

Held on first reading from January 21, 2000.

HB 2827 by Representatives Fisher, Romero, Edwards, O'Brien, Murray, Ogden, McIntire, Haigh, Veloria and Wood; by request of Governor Locke

AN ACT Relating to authorizing a local option sales and use tax for transit under chapters 35.58, 36.57, and 36.57A RCW for fiscal year 2001; adding a new section to chapter 82.14 RCW; creating a new section; and providing an effective date.

Held on first reading from January 21, 2000.

HB 2936 by Representative Cairnes and Fortunato

AN ACT Relating to allowing voters of a regional transportation authority to reaffirm their prior vote to approve taxes to finance regional transit.

Held on first reading from January 24, 2000.

HB 2964 by Representatives H. Sommers, Fisher, Radcliff, D. Schmidt, Cooper, McIntire, Kessler, Murray, Kagi, Constantine, Kenney, Edmonds, Cody, Dickerson, Edwards, Scott, Regala, Tokuda, Keiser, O'Brien, Haigh and Veloria

AN ACT Relating to a sales and use tax for regional transit authorities; adding a new section to chapter 82.14 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2980 by Representatives Lovick, Radcliff, Dunshee, D. Schmidt, Thomas, Scott, Edwards, O'Brien, Wolfe and Kagi

AN ACT Relating to tax exemptions for public transportation systems; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Appropriations.

HB 2991 by Representatives Dunshee, McIntire, Stensen, Regala, Rockefeller, Keiser, Kenney, O'Brien and Veloria

AN ACT Relating to sales and use taxes to support state parks; amending RCW 82.08.020; adding a new section to chapter 43.135 RCW; providing an effective date; and providing for submission of this act to vote of the people.

Referred to Committee on Appropriations.

HB 3051 by Representatives Fisher, Haigh, Wood, Ogden, Edwards, Rockefeller and McIntire

AN ACT Relating to local transportation funding; amending RCW 82.80.020, 82.80.080, 84.52.010, 84.52.120, 82.36.440, 82.38.280, 35.21.710, 82.80.010, 82.80.030, and 82.14.045; adding new sections to chapter 82.80 RCW; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 35 RCW; creating a new section; and providing an effective date.

Held on first reading from January 26, 2000.

HB 3069 by Representatives Cox, D. Schmidt, Wensman and Santos

AN ACT Relating to extending the time for determining whether a school accountability and academic assessment system is in place; amending 1993 c 336 s 1202 (uncodified); amending 1995 c 77 s 32 (uncodified); amending 1993 c 371 s 5 (uncodified); amending 1997 c 13 s 15 (uncodified); amending 1995 c 77 s 33 (uncodified); amending 1994 c 245 s 11 (uncodified); providing contingent effective dates; and providing contingent expiration dates.

Referred to Committee on Education.

HB 3070 by Representatives Reardon and Scott

AN ACT Relating to sales and use tax exemptions for manufacturing machinery and equipment; and amending RCW 82.08.02565.

Referred to Committee on Finance.

HB 3071 by Representative D. Schmidt

AN ACT Relating to making community service a graduation requirement in Washington state schools; adding new sections to chapter 28A.150 RCW; creating new sections; and providing an effective date.

Referred to Committee on Education.

HB 3072 by Representatives Kessler, Mulliken, Cairnes, Dunshee, G. Chandler, McDonald and Delvin

AN ACT Relating to municipal tax fairness; amending RCW 35.21.860; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 35 RCW; creating a new section; recodifying RCW 35.21.717, 35.21.718, 35.21.840, and 35.21.845; and repealing RCW 35.21.706, 35.21.710, 35.21.711, 35.21.712, 35.21.714, 35.21.715, 35.21.850, 35.21.865, 35.21.870, and 35.21.871.

Referred to Committee on Finance.

HB 3073 by Representatives Linville, Ericksen, Morris, Quall and Barlean

AN ACT Relating to Lake Whatcom; and creating a new section.

Referred to Committee on Natural Resources.

HB 3074 by Representatives Fisher, Edwards, Cooper, Radcliff, Murray, Mitchell, O'Brien and McIntire

AN ACT Relating to local transportation taxes; and amending RCW 82.14.045.

Referred to Committee on Transportation.

HB 3075 by Representative Sullivan

AN ACT Relating to mandatory automobile liability insurance; amending RCW 46.30.020; and adding a new section to chapter 46.30 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 3076 by Representatives G. Chandler, Fisher, Mitchell, Cooper, Hankins, Skinner, Ericksen, McDonald, Radcliff, Mulliken and Pflug

AN ACT Relating to a transportation certification program; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

HB 3077 by Representatives Conway, Clements, Thomas, Wensman, Reardon, Radcliff, Cairnes, Morris, Constantine, Stensen, Wood, Schual-Berke, Cooper, Anderson, Santos, Lovick, Kenney, Regala, Keiser, Rockefeller, Dunn, Mulliken, Carlson, O'Brien, Gombosky, Grant, Eickmeyer, Kessler, Edwards, Edmonds, Miloscia, Fisher, Linville, Koster, Ballasiotes, Pflug, D. Sommers, Campbell, D. Schmidt, Murray, Hatfield, Ogden, Hurst, Dunshee, Haigh, Tokuda, Woods, Barlean, G. Chandler, Fortunato, Boldt, Mielke, McDonald, Cody, Veloria, Scott, McIntire, Esser, Alexander, Bush, Sullivan, Lantz, Ericksen, Talcott, Buck, Dickerson, Ruderman, Wolfe, Schoesler and Kagi

AN ACT Relating to unemployment insurance; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 3078 by Representatives Schindler, Benson, Crouse, D. Sommers, Wood, Wensman and Barlean

AN ACT Relating to railroad rights of way in the Spokane Valley; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

HB 3079 by Representatives D. Schmidt, Edwards, Scott, Radcliff, Lovick and O'Brien

AN ACT Relating to a sales and use tax exemption for transportation agencies; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Appropriations.

HB 3080 by Representatives Fisher, Cairnes, Murray, Esser, Constantine, O'Brien, Tokuda, Veloria and McIntire

AN ACT Relating to alternative financing mechanisms for regional transit authorities; adding new sections to chapter 81.112 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 3081 by Representatives Linville, Stensen, Anderson, Santos, Lovick, Kenney, Keiser, Rockefeller, Ogden and Lantz

AN ACT Relating to inactivation of cultures requiring biosafety level 3 or 4 practices; amending RCW 70.95K.010; adding a new section to chapter 70.95

Referred to Committee on Agriculture & Ecology.

HB 3082 by Representatives Ruderman and Pennington

AN ACT Relating to air pollution control; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.61 RCW; adding a new section to chapter 70.120 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 3083 by Representatives Pflug, Parlette, Barlean, G. Chandler, Thomas, Mulliken and Fortunato

AN ACT Relating to moneys from the tobacco settlement; amending RCW 43.79.480; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; providing effective dates; and providing an expiration date.

Referred to Committee on Appropriations.

HJM 4027 by Representatives Schoesler, G. Chandler, Grant, McMorris, B. Chandler, Delvin and Talcott

Requesting a sharing of data concerning and allowing the use of similar pesticide in both the United States and Canada.

Referred to Committee on Agriculture & Ecology.

SSB 5932 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Bauer, Rossi, West, Hale and Rasmussen)

Changing provisions relating to bond debt service payments from the community and technical college capital projects account.

Referred to Committee on Capital Budget.

2SSB 6199 by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Winsley, Thibaudeau, Snyder, Goings, Kohl-Welles, Jacobsen, Fraser, Prentice, Costa, Rasmussen, Bauer, Spanel, McAuliffe, Gardner, Franklin and Kline)

Adopting a patient bill of rights.

Referred to Committee on Health Care.

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

REPORTS OF STANDING COMMITTEES

January 25, 2000

HB 1070 Prime Sponsor, Representative Romero: Authorizing the general contractor/construction manager contracting procedure for school district capital projects. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh and Lambert, Schmidt.

January 25, 2000

HB 2322 Prime Sponsor, Representative Esser: Amending the partnership and limited liability company acts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 5, line 32 after "have" strike "not"

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

January 25, 2000

HB 2328 Prime Sponsor, Representative Lantz: Decreasing filing fees for petition for unlawful harassment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

January 25, 2000

HB 2329 Prime Sponsor, Representative McDonald: Changing descriptions in judgments involving real property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

January 25, 2000

HB 2398 Prime Sponsor, Representative Constantine: Making technical corrections to tax statutes. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

January 25, 2000

HB 2399 Prime Sponsor, Representative Constantine: Making technical corrections to Titles 75, 76, 77, 78, 79, and 79A RCW. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, Fortunato, Haigh, Hatfield, Hurst, McDonald, Murray, Ogden, Pflug, Romero, Schindler, Scott, Skinner, Wood and Woods.

Voting nay: Representative Mielke.

Excused: Representative DeBolt, Lovick, Morris, Radcliff and Schual-Berke.

January 25, 2000

HB 2400 Prime Sponsor, Representative Constantine: Making technical corrections to Titles 18 and 19 RCW. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

January 25, 2000

HB 2408 Prime Sponsor, Representative Veloria: Modifying financial assistance laws for minority and women's business enterprises. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

January 25, 2000

HB 2468 Prime Sponsor, Representative Eickmeyer: Modifying eligible and distressed area designation. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer,

Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

January 25, 2000

HB 2532 Prime Sponsor, Representative Fisher: Allowing the department of transportation to recognize volunteer pilots. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Scott; Skinner; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representative Mielke.

Voting yea: Representatives Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, D. Sommers.

Excused: Representatives Skinner and Wolfe.

MOTION

There being no objection, the rules were suspended and the bills listed on the day's committee reports under the fifth order of business were placed on the Second Reading calendar with the exception of House Bill No. 2408 and House Bill No. 2468 which were referred to the Committee of Finance.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4728, by Representatives Ballard, Chopp, Wolfe, Romero, Anderson, Ballasiotes, Barlean, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Lisk, Lovick, McDonald, McMorris, Mielke, Miloscia, O'Brien, Ogden, Parlette, Pflug, Poulsen, Radcliff, Regala, Rockefeller, Ruderman, Schindler, K. Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Sump, Thomas, Van Luven and Wensman

WHEREAS, Decent and affordable housing is a simple dream that is far from reach for many hard-working families in Washington; and

WHEREAS, Unable to obtain either conventional or government-assisted financing, some of these families pay rent - in many cases more than fifty percent of total household income - to live in overcrowded, substandard houses and apartments; and

WHEREAS, To draw attention to the need for safe, decent, affordable housing, and to showcase the power of volunteers in neighborhoods and communities across Washington, the Washington State Legislature has entered into partnership with Habitat for Humanity to build a home for a family in need; and

WHEREAS, Legislators and staff, along with their families, others in the legislative community, and Habitat partner families and volunteers, are working side-by-side with infectious enthusiasm in raising thirty-five thousand dollars and generating three thousand five hundred volunteer hours to build "The Home from the Dome"; and

WHEREAS, When complete, The Home from the Dome will be sold to a partner family, who themselves will have put in over five hundred hours of manual labor, under a no-profit, no-interest loan on a twenty or twenty-five year mortgage, and the eventual homeowner's payments will go to a revolving fund for construction of more housing for other families; and

WHEREAS, Work on The Home from the Dome - like work on any community volunteer project - unites those involved and shows that, in a world where many needs go unmet, giving of our time, talent, compassion, and energy is an expression of faith, trust, and concern;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hereby express its gratitude to Habitat for Humanity, for its leadership, and to all the volunteers and contributors - legislators, staff, family, friends, and others - for the time, talent, compassion, and energy they have given to make a home for one more family - The Home from the Dome - a reality; and

BE IT FURTHER RESOLVED, That the House of Representatives find that, in the end, the true excitement in a project like this is not in seeing the finished wall or the completed house - but in having the opportunity to take part in such a powerful project.

Representative Romero moved adoption of the resolution.

Representatives Romero, Talcott, Wolfe, Ruderman, Benson, Alexander, Kagi, Quall and D. Sommers spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4728 was adopted.

On motion of Representative Lisk, all the members' names were added to House Floor Resolution No. 4728.

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

SECOND READING

MOTION

On motion of Representative Schoesler, Representatives Pennington and Skinner were excused.

HOUSE BILL NO. 2340, by Representatives O'Brien, Ballasiotes, Carlson, Hurst and Talcott; by request of Sentencing Guidelines Commission

Providing for removal of offenders from the drug offender sentencing alternative who are subject to a deportation order.

The bill was read the second time.

Representative Ballasiotes moved the adoption of the following amendment (419):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.120 and 1999 c 324 s 2, 1999 c 197 s 4, 1999 c 196 s 5, and 1999 c 147 s 3 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), ~~((5), (7), or (8))~~ (6), (8), or (9), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(5)(a) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include a term of community supervision or community custody as specified in (b) of this subsection, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Undergo available outpatient treatment for up to the period specified in (b) of this subsection, or inpatient treatment not to exceed the standard range of confinement for that offense;

(iii) Pursue a prescribed, secular course of study or vocational training;

(iv) Remain within prescribed geographical boundaries and notify the community corrections officer prior to any change in the offender's address or employment;

(v) Report as directed to a community corrections officer; or

(vi) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(b) The terms and statuses applicable to sentences under (a) of this subsection are:

(i) For sentences imposed on or after July 25, 1999, for crimes committed before July 1, 2000, up to one year of community supervision. If treatment is ordered, the period of community supervision may include up to the period of treatment, but shall not exceed two years; and

(ii) For crimes committed on or after July 1, 2000, up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years. Any term of community custody imposed under this subsection (5) is subject to conditions and sanctions as authorized in this subsection (5) and in subsection (11)(b) and (c) of this section.

(c) The department shall discharge from community supervision any offender sentenced under this subsection (5) before July 25, 1999, who has served at least one year of community supervision and has completed any treatment ordered by the court.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no current or prior convictions for a sex offense or violent offense in this state, another state, or the United States;

(iii) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance; and

(iv) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence.

(b) If the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections.

The court shall also impose:

(i) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services;

(ii) Crime-related prohibitions including a condition not to use illegal controlled substances;
~~((and))~~

(iii) A requirement to submit to urinalysis or other testing to monitor that status; and

(iv) A term of community custody pursuant to subsection (11) of this section to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

The court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

(A) Devote time to a specific employment or training;

(B) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(C) Report as directed to a community corrections officer;

(D) Pay all court-ordered legal financial obligations;

(E) Perform community service work;

(F) Stay out of areas designated by the sentencing judge;

(G) Such other conditions as the court may require such as affirmative conditions.

(c) If the offender violates any of the sentence conditions in (b) of this subsection or is found by the United States attorney general to be subject to a deportation order, a violation hearing shall be held by the department unless waived by the offender.

(i) If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence.

(ii) If the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(e) An offender who fails to complete the special drug offender sentencing alternative program or who is administratively terminated from the program shall be reclassified to serve the unexpired

term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to community custody and earned early release time. An offender who violates any conditions of supervision as defined by the department shall be sanctioned. Sanctions may include, but are not limited to, reclassifying the offender to serve the unexpired term of his or her sentence as ordered by the sentencing judge. If an offender is reclassified to serve the unexpired term of his or her sentence, the offender shall be subject to all rules relating to earned early release time.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community service work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in subsection (11)(b) and (c) of this section; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing

if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
- (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (III) Report as directed to the court and a community corrections officer;
- (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(d) Within the funds available for this purpose, the department shall develop and monitor transition and relapse prevention strategies, including risk assessment and release plans, to reduce risk to the community after sex offenders' terms of confinement in the custody of the department.

(9)(a)(i) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, but before July 25, 1999, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(ii) Except for persons sentenced under (b) of this subsection or subsection (10)(a) of this section, when a court sentences a person to a term of total confinement to the custody of the department of corrections for a violent offense, any crime against a person under RCW 9.94A.440(2), or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 25, 1999, but before July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences the offender under this subsection (9)(a)(ii) to the statutory maximum period of confinement, then the community placement portion of the sentence shall consist entirely of

such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, or a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, but before July 1, 2000, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and
- (vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol;
- (v) The offender shall comply with any crime-related prohibitions; or
- (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, but before July 1, 2000, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody

imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11)(a) When a court sentences a person to the custody of the department of corrections for a sex offense, a violent offense, any crime against a person under RCW 9.94A.440(2), or a felony offense under chapter 69.50 or 69.52 RCW (~~not sentenced under subsection (6) of this section~~), committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin ~~(either)~~: (i) Upon completion of the term of confinement (~~(or)~~); (ii) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2); or (iii) with regard to offenders sentenced under subsection (6) of this section, upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(b) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in subsection (9)(b)(i) through (vi) of this section. The conditions may also include those provided for in subsection (9)(c)(i) through (vi) of this section. The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to (f) of this subsection. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(c) If an offender violates conditions imposed by the court or the department pursuant to this subsection during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.205 and 9.94A.207.

(d) Except for terms of community custody under subsection (8) of this section, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(e) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(f) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (11)(f).

(g) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (i) The crime of conviction; (ii) the offender's risk of reoffending; or (iii) the safety of the community.

(12) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(13) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(14) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(15) All offenders sentenced to terms involving community supervision, community service, community placement, community custody, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the

department may additionally require the offender to participate in rehabilitative programs or otherwise perform affirmative conduct, and to obey all laws.

The conditions authorized under this subsection (15)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of an offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) or (11) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) or (11)(e) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(16) All offenders sentenced to terms involving community supervision, community service, community custody, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(17) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(18) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(19) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(20) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(21) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(22) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(23) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

(24) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

(25)(a) Sex offender examinations and treatment ordered as a special condition of community placement or community custody under this section shall be conducted only by sex offender treatment providers certified by the department of health under chapter 18.155 RCW unless the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified providers are available for treatment within a reasonable geographic distance of the offender's home, as determined in rules adopted by the secretary; (iii) the evaluation and treatment plan comply with the rules adopted by the department of health; or (iv) the treatment provider is employed by the department. A treatment provider selected by an offender who is not certified by the department of health shall consult with a certified provider during the offender's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified provider.

(b) A sex offender's failure to participate in treatment required as a condition of community placement or community custody is a violation that will not be excused on the basis that no treatment provider was located within a reasonable geographic distance of the offender's home."

Correct the title.

Representatives Ballasiotes and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 2340.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2340, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Pennington and Skinner - 2.

Engrossed House Bill No. 2340, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2580, by Representatives Hurst, Fisher, Mitchell, Lovick, Dickerson, DeBolt, G. Chandler, Romero, Haigh, Ogden, Morris, McDonald, Hankins, Ericksen, Skinner, Fortunato, Scott, Edwards, Pflug, Woods and Cairnes

Authorizing changes to the VIN inspection program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hurst spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2580.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2580 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Pennington and Skinner - 2.

House Bill No. 2580, having received the constitutional majority, was declared passed.

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

There being no objection, House Bill No. 2981 was referred from the Committee on Economic Development, Housing and Trade to the Committee on Capital Budget.

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

MOTION

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Friday, January 28, 2000, the 19th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

EIGHTEENTH DAY, JANUARY 27, 2000

JOURNAL OF THE HOUSE

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

NINETEENTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 28, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lindsey Lea and Jennifer Tesch. Prayer was offered by Pastor Matt Chambers, South Whidbey Assembly of God.

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

Speaker Chopp assumed the chair.

INTRODUCTIONS AND FIRST READING

HB 2821 by Representatives Clements, Skinner, Boldt, Dunn and Fortunato

AN ACT Relating to reducing the state property tax; amending RCW 43.135.045, 84.52.043, and 84.52.065; adding a new section to chapter 84.55 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2827 by Representatives Fisher, Romero, Edwards, O'Brien, Murray, Ogden, McIntire, Haigh, Veloria and Wood; by request of Governor Locke

AN ACT Relating to authorizing a local option sales and use tax for transit under chapters 35.58, 36.57, and 36.57A RCW for fiscal year 2001; adding a new section to chapter 82.14 RCW; creating a new section; and providing an effective date.

Held on first reading from January 21, 2000.

HB 2936 by Representative Cairnes and Fortunato

AN ACT Relating to allowing voters of a regional transportation authority to reaffirm their prior vote to approve taxes to finance regional transit.

Held on first reading from January 24, 2000.

HB 3051 by Representatives Fisher, Haigh, Wood, Ogden, Edwards, Rockefeller and McIntire

AN ACT Relating to local transportation funding; amending RCW 82.80.020, 82.80.080, 84.52.010, 84.52.120, 82.36.440, 82.38.280, 35.21.710, 82.80.010, 82.80.030, and 82.14.045; adding new sections to chapter 82.80 RCW; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 35 RCW; creating a new section; and providing an effective date.

Held on first reading from January 26, 2000.

HB 3084 by Representatives Delvin and Hankins

AN ACT Relating to exempting uninhabited utility facilities from short plats and subdivisions requirements; and amending RCW 58.17.060.

Referred to Committee on Local Government.

HB 3085 by Representatives Gombosky and Wood

AN ACT Relating to damage awards for unfair business practices; and amending RCW 19.86.090.

Referred to Committee on Judiciary.

HB 3086 by Representatives Clements, Doumit, Buck and Sump

AN ACT Relating to fish and shellfish license exemption; and amending RCW 77.32.235.

Referred to Committee on Natural Resources.

HB 3087 by Representative Sullivan

AN ACT Relating to legalized loan sharks; and amending RCW 31.45.010, 31.45.030, 31.45.073, and 31.45.077.

Referred to Committee on Financial Institutions & Insurance.

HB 3088 by Representatives Sullivan and Kastama

AN ACT Relating to check cashers and sellers; amending RCW 31.45.073 and 31.45.170; adding a new section to chapter 31.45 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 3089 by Representatives Stensen, Buck, Doumit, Regala, Rockefeller and Santos

AN ACT Relating to providing a method to encourage the development and sharing of salmon recovery information; adding new sections to chapter 75.46 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 3090 by Representatives Dunshee, Koster and Scott

AN ACT Relating to the authority to issue civil penalties by health districts; adding a new section to chapter 70.46 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 3091 by Representatives D. Schmidt, Cooper, Edwards, Dunshee, Bush, Huff, Cox, Esser, Mitchell, Wensman, Carrell and O'Brien

AN ACT Relating to public transportation systems; and amending RCW 36.57A.110 and 36.57A.130.

Referred to Committee on Transportation.

HB 3092 by Representative Thomas

AN ACT Relating to increasing the minimum school program requirements; amending RCW 28A.150.220, 28A.150.220, 28A.150.250, 28A.150.290, 28A.150.290, 28A.190.030, 28A.195.010, 28A.305.140, 28A.310.240, 28A.400.300, and 28A.410.080; reenacting and amending RCW 28A.330.100; creating a new section; providing a contingent effective date; and providing contingent expiration dates.

Referred to Committee on Education.

HB 3093 by Representatives Dunshee, H. Sommers, Miloscia, Quall, Kenney, Constantine, Santos and Keiser; by request of Governor Locke

AN ACT Relating to directing excess balances in the emergency reserve fund to specific funds to be used partly for education construction and partly for tax relief for individuals; amending RCW 43.135.045, 81.104.170, and 43.135.035; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Appropriations.

HB 3094 by Representatives Mielke, Benson and Boldt

AN ACT Relating to the contracting of department of transportation services; amending RCW 41.06.150, 13.40.320, 39.29.006, 47.46.040, and 72.09.100; adding a new section to chapter 47.04 RCW; repealing RCW 41.06.380; and providing an effective date.

Referred to Committee on State Government.

HCR 4428 by Representatives Conway, D. Schmidt, O'Brien, Campbell, Lovick, Miloscia, Talcott, Bush, Woods, Haigh, Radcliff, Kenney, Kessler, Rockefeller, Santos and Skinner

Creating a joint select committee on veterans and military affairs.

Referred to Committee on State Government.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 2000

HB 2306 Prime Sponsor, Representative Van Luven: Making mobile home parks available. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Miloscia; Radcliff; Skinner and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn, Republican Vice Chair; Gombosky; Morris and D. Sommers.

Voting yea: Representatives Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Appropriations.

January 27, 2000

HB 3077 Prime Sponsor, Representative Conway: Modifying unemployment insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

MOTION

On motion of Representative Kessler, the rules were suspended and House Bill No. 3077 was placed on the Second Reading calendar and the remaining bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

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

SECOND READING

MOTION

On motion of Representative Wolfe, Representative Quall was excused.

HOUSE BILL NO. 3077, by Representatives Conway, Clements, Thomas, Wensman, Reardon, Radcliff, Cairnes, Morris, Constantine, Stensen, Wood, Schual-Berke, Cooper, Anderson, Santos, Lovick, Kenney, Regala, Keiser, Rockefeller, Dunn, Mulliken, Carlson, O'Brien, Gombosky, Grant, Eickmeyer, Kessler, Edwards, Edmonds, Miloscia, Fisher, Linville, Koster, Ballasiotes, Pflug, D. Sommers, Campbell, D. Schmidt, Murray, Hatfield, Ogden, Hurst, Dunshee, Haigh, Tokuda, Woods, Barlean, G. Chandler, Fortunato, Boldt, Mielke, McDonald, Cody, Veloria, Scott, McIntire, Esser, Alexander, Bush, Sullivan, Lantz, Ericksen, Talcott, Buck, Dickerson, Ruderman, Wolfe, Schoesler and Kagi

Modifying unemployment insurance.

The bill was read the second time. There being no objection, Substitute House Bill No. 3077 was substituted for House Bill No. 3077 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 3077 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Clements, Reardon, Kessler, Carlson, Kenney, DeBolt, Stensen, Fortunato, McIntire, Barlean, Cooper, Hurst, Linville, Keiser, Clements (again) and Conway (again) spoke in favor of passage of the bill.

Representative Huff spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 3077.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3077 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Huff - 1.

Excused: Representative Quall - 1.

Substitute House Bill No. 3077, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Monday, January 31, 2000, the 22nd Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

NINETEENTH DAY, JANUARY 28, 2000

JOURNAL OF THE HOUSE

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TWENTY SECOND DAY

MORNING SESSION

House Chamber, Olympia, Monday, January 31, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Erin Paulson and Rachel Bachmeier. The Speaker led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Thomas Anastasi, Unitarian Universalist Church.

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

MESSAGE FROM THE SENATE

January 28, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5049,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5074,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5331,

SENATE BILL NO. 5445,

SENATE BILL NO. 5464,

ENGROSSED SENATE BILL NO. 5490,

SUBSTITUTE SENATE BILL NO. 5518,

SUBSTITUTE SENATE BILL NO. 5604,

and the same are herewith transmitted.

Tony M. Cook, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2000-4730, by Representatives Dunn, Ogden, Carlson, Mielke, Boldt, Pennington, Wensman and Barlean

WHEREAS, In these times of financial concern in many of our public and community-based institutions, the actions of certain community members in Clark County have helped maintain high standards and high expectations; and

WHEREAS, Ed and Mary Firstenburg have distinguished themselves in their community not only by being involved in many worthwhile community affairs but also by contributing one million dollars to the Clark County skills center and five hundred thousand dollars to the Vancouver campus of Washington State University;

WHEREAS, George and Carolyn Propstra have been actively involved in their community and have given more than twelve million dollars in recent years to projects such as a baseball stadium, aquatic center, college scholarships, and the proposed plaza at Esther Short park; and

WHEREAS, The late Christine Kropp bequeathed two million dollars to five local organizations, including the Camas school district, friends of the Camas public library, friends of the Camas community center, Camas-Washougal historical society, and St. John's Presbyterian Church, and two organizations outside the area; and

WHEREAS, Mrs. William Evans, a descendant of Kate and Clarence LaLonde, donated two acres of property valued at one hundred forty thousand dollars to Vancouver-Clark parks and recreation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Ed and Mary Firstenburg, George and Carolyn Propstra, the late Christine Kropp, and Mrs. William Evans for their dedication and personal contributions to the well-being of many Clark County residents;

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Ed and Mary Firstenburg, George and Carolyn Propstra, and the descendants of Kate and Clarence LaLonde.

Representative Dunn moved adoption of the resolution.

Representatives Dunn, Ogden and Carlson spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4730 was adopted.

INTRODUCTIONS AND FIRST READING

HB 2827 by Representatives Fisher, Romero, Edwards, O'Brien, Murray, Ogden, McIntire, Haigh, Veloria, Wood, Kenney, Wolfe, Regala, Kagi, Scott, Tokuda, Constantine, Edmonds, Cooper, Cody, Kessler, Schual-Berke and Eickmeyer; by request of Governor Locke

AN ACT Relating to authorizing a local option sales and use tax for transit under chapters 35.58, 36.57, and 36.57A RCW for fiscal year 2001; adding a new section to chapter 82.14 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 2936 by Representative Cairnes and Fortunato

AN ACT Relating to allowing voters of a regional transportation authority to reaffirm their prior vote to approve taxes to finance regional transit.

Held on first reading from January 24, 2000.

HB 3051 by Representatives Fisher, Haigh, Wood, Ogden, Edwards, Rockefeller, McIntire, O'Brien, Constantine, Kagi, Kenney, Kessler and Eickmeyer

AN ACT Relating to local transportation funding; amending RCW 82.80.020, 82.80.080, 84.52.010, 84.52.120, 82.36.440, 82.38.280, 35.21.710, 82.80.010, 82.80.030, and 82.14.045; adding new sections to chapter 82.80 RCW; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 35 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 3095 by Representatives B. Chandler and G. Chandler

AN ACT Relating to clarifying vocabulary used with regard to relinquishment of water rights; amending RCW 90.14.140; adding a new section to chapter 90.14 RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 3096 by Representatives Wolfe, DeBolt, Grant, Kastama, Eickmeyer, Edmonds and Edwards

AN ACT Relating to local government costs; amending RCW 29.13.047, 43.09.270, 43.09.280, 43.09.2801, 42.41.060, and 10.101.030; adding a new section to chapter 2.70 RCW; creating a new section; and repealing RCW 43.09.281.

Referred to Committee on Appropriations.

HB 3097 by Representatives Parlette, Cody and Edwards

AN ACT Relating to controlled substance orders and prescriptions; amending RCW 69.50.308; and repealing RCW 69.50.307.

Referred to Committee on Health Care.

HB 3098 by Representatives Parlette, Cody and Edwards

AN ACT Relating to uniform prescription drug information cards; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 3099 by Representatives Dunshee, Barlean, Murray, Reardon, Koster and Lovick

AN ACT Relating to extending provisions on interest rates on government bonds; amending RCW 39.96.010, 39.96.020, 39.96.030, and 39.96.070; and providing an effective date.

Referred to Committee on Capital Budget.

HB 3100 by Representatives Benson and Barlean

AN ACT Relating to parking privileges of law enforcement officers; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 3101 by Representatives Lovick, McDonald, Conway, Edwards, Dickerson, Ruderman, O'Brien, Kenney, Ogden, Lambert, Ericksen, Barlean, Fortunato, Esser, Rockefeller and Hurst

AN ACT Relating to driving or physical control of a vehicle while under the influence of intoxicating liquor or any drug; amending RCW 9.94A.185, 9.94A.230, 46.20.720, 46.61.502, 46.61.504, and 46.61.5151; reenacting and amending RCW 9.94A.030, 9.94A.320, 9.94A.360, and 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

HB 3102 by Representatives Fisher, Mitchell, Edwards and O'Brien

AN ACT Relating to intercity passenger rail service; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding new sections to chapter 47.79 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 3103 by Representatives G. Chandler, Sump, Doumit, Mastin, Cox, B. Chandler, Mulliken, McMorris, Clements, Schoesler, Eickmeyer, Wolfe and Boldt

AN ACT Relating to a revenue source for local criminal justice funding; amending RCW 82.08.160, 82.14.310, 82.14.320, and 82.14.330; and providing an effective date.

Referred to Committee on Appropriations.

HB 3104 by Representative Mastin

AN ACT Relating to reducing taxes on gambling activities; and amending RCW 9.46.110.

Referred to Committee on Commerce & Labor.

HB 3105 by Representatives McDonald, Lantz, Talcott, Bush, Campbell, Huff and Kastama

AN ACT Relating to apportioning a sales and use tax for zoos, aquariums, wildlife preserves, and regional parks; and amending RCW 82.14.400.

Referred to Committee on Finance.

HJR 4217 by Representatives Lambert, Thomas, DeBolt, Alexander, Campbell, B. Chandler, G. Chandler, Schoesler, Dunn, Pflug, Huff, Ericksen, Barlean, Carlson, Talcott, Fortunato, Esser, Woods and Boldt

Allowing phase-in of property assessment increases.

Referred to Committee on Finance.

ESSB 5049 by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Goings, Franklin, T. Sheldon, Swecker and Patterson)

Enhancing penalties for manufacturing methamphetamines inside a conveyance.

Referred to Committee on Criminal Justice & Corrections.

ESSB 5074 by Senate Committee on Judiciary (originally sponsored by Senators Roach, Honeyford, T. Sheldon, Johnson and Rasmussen)

Establishing the crime of mail theft or receipt of stolen mail.

Referred to Committee on Criminal Justice & Corrections.

E2SSB 5331 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Goings, Patterson, Eide, Winsley and Rasmussen)

Establishing public utility tax credits for weatherization and energy assistance programs.

Referred to Committee on Technology, Telecommunications & Energy.

SB 5445 by Senators Franklin, Winsley, Wojahn, Deccio, Thibaudeau, Kline, Rasmussen, Fairley, Patterson, Prentice, Kohl-Welles, Costa, Eide and Spanel

Allowing the chair of a legislative committee to request review by the department of health of a mandated benefit bill.

Referred to Committee on Health Care.

SB 5464 by Senators Costa, McCaslin, Heavey, Kline and Patterson

Adopting the uniform child custody jurisdiction and enforcement act.

Referred to Committee on Judiciary.

ESB 5490 by Senators Wojahn, Winsley, Kline, Fairley, B. Sheldon, McAuliffe, Thibaudeau, Snyder, Rasmussen and Costa

Requiring temporary assistance for needy families employment assessments to screen for learning disabilities.

Referred to Committee on Children & Family Services.

SSB 5518 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen, Eide, Goings and Winsley)

Establishing a youth athletic facility account to help fund community outdoor athletic facilities.

Referred to Committee on Local Government.

SSB 5604 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Wojahn, Winsley, Costa, Franklin and Thibaudeau)

Identifying health care facility workers.

Referred to Committee on Health Care.

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

REPORTS OF STANDING COMMITTEES

January 27, 2000

HB 1572 Prime Sponsor, Representative Wensman: Creating the Washington civil liberties public education program. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Stensen, Thomas and Wensman.
Excused: Representative Schual-Berke.

Passed to Rules Committee for Second Reading.

January 27, 2000

HB 2182 Prime Sponsor, Representative Haigh: Adopting the compact for education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Stensen and Thomas.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Republican Vice Chair and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Stensen, Thomas and Wensman.
Voting nay: Representative Schindler.
Excused: Representative Schual-Berke.

Referred to Committee on Appropriations.

January 27, 2000

HB 2293 Prime Sponsor, Representative Cody: Certifying hemodialysis technicians. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards and Mulliken.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Campbell, Conway, Edmonds, Edwards and Mulliken.

Excused: Representatives Alexander, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

January 27, 2000

HB 2333 Prime Sponsor, Representative Schual-Berke: Clarifying rights and responsibilities of bicyclists. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Scott, Skinner, Wood and Woods.

Excused: Representatives Buck, G. Chandler, DeBolt and Schual-Berke

Passed to Rules Committee for Second Reading.

January 26, 2000

HB 2345 Prime Sponsor, Representative O'Brien: Authorizing the secretary of the department of social and health services to take all actions necessary to carry out the purposes of the sexually violent predator law. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

January 27, 2000

HB 2348 Prime Sponsor, Representative G. Chandler: Authorizing treasurer services for conservation districts. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

January 27, 2000

HB 2376 Prime Sponsor, Representative G. Chandler: Regulating horticultural plants and facilities.
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

January 27, 2000

HB 2378 Prime Sponsor, Representative Linville: Regulating structural pest inspections. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

January 26, 2000

HB 2456 Prime Sponsor, Representative Cairnes: Increasing seriousness of identity crimes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Koster.

MINORITY recommendation: Do not pass. Signed by Representative Kagi.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine and Koster.

Voting nay: Representative Kagi.

Referred to Committee on Appropriations.

January 26, 2000

HB 2491 Prime Sponsor, Representative Schindler: Providing a procedure to conduct DNA testing of evidence for persons sentenced to death or life imprisonment. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

January 26, 2000

HB 2498 Prime Sponsor, Representative O'Brien: Revising sanctions for violating conditions of the juvenile offender basic training camp program. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Republican Vice Chair and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Lovick, B. Chandler, Constantine and Kagi.
Voting nay: Representatives Cairnes and Koster.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

MOTION

On motion of Representative Wolfe, Representatives Morris and Reardon were excused.

HOUSE BILL NO. 1070, by Representatives Romero and D. Schmidt; by request of Alternative Public Works Methods Oversight Committee

Authorizing the general contractor/construction manager contracting procedure for school district capital projects.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Romero spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 1070.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1070 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Morris and Reardon - 2.

House Bill No. 1070, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2322, by Representatives Esser, Lantz, Constantine, Carlson and Hurst

Amending the partnership and limited liability company acts.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 18th Day, January 27, 2000.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Constantine spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2322.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2322, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Morris - 1.

Engrossed House Bill No. 2322, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2328, by Representatives Lantz, Constantine, Ogden, Edmonds, Stensen, Regala, O'Brien, Kagi, Dickerson, Cody, Keiser, Kessler, Schual-Berke, Hurst, Santos and Kenney

Decreasing filing fees for petition for unlawful harassment.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Lambert spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2328.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2328 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Morris - 1.

House Bill No. 2328, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2329, by Representatives McDonald, Lantz and Constantine

Changing descriptions in judgments involving real property.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDonald and Constantine spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2329.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2329 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Morris - 1.

House Bill No. 2329, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2398, by Representatives Constantine, Esser and Lantz; by request of Office of the Code Reviser

Making technical corrections to tax statutes.

The bill was read the second time. There being no objection, Substitute House Bill No. 2398 was substituted for House Bill No. 2398 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2398 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Esser spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2398.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2398 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Morris - 1.

Substitute House Bill No. 2398, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2399, by Representatives Constantine, Esser, Lantz, Barlean, Cairnes and Pflug; by request of Office of the Code Reviser

Making technical corrections to Titles 75, 76, 77, 78, 79, and 79A RCW.

The bill was read the second time. There being no objection, Substitute House Bill No. 2399 was substituted for House Bill No. 2399 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2399 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Esser spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2399.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2399 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Morris - 1.

Substitute House Bill No. 2399, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2400, by Representatives Constantine, Esser, Lantz, Barlean, Cairnes and Pflug; by request of Office of the Code Reviser

Making technical corrections to Titles 18 and 19 RCW.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Esser spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2400.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2400 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Morris - 1.

House Bill No. 2400, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2532, by Representatives Fisher, Mitchell, Cairnes, Ogden, Dunn and Hurst; by request of Department of Transportation

Allowing the department of transportation to recognize volunteer pilots.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2532.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2532 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Morris - 1.

House Bill No. 2532, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Lisk, the House adjourned until 9:55 a. m., Tuesday, February 1, 2000, the 23rd Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWENTY SECOND DAY, JANUARY 31, 2000

JOURNAL OF THE HOUSE

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

TWENTY THIRD DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, February 1, 2000

The House was called to order at 9:55 a.m. by Speaker Pro Tempore Ogden

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

INTRODUCTIONS AND FIRST READING

HB 2936 by Representatives Cairnes and Fortunato

AN ACT Relating to public approval of the financing of regional transit systems and facilities; and creating new sections.

Referred to Committee on Transportation.

HB 3106 by Representatives B. Chandler and McMorris

AN ACT Relating to determining and applying prevailing wages; amending RCW 39.04.010, 39.12.010, and 39.12.020; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Commerce & Labor.

HB 3107 by Representatives Bush and Veloria

AN ACT Relating to restrictions on the transfer or contribution of funds from one political or campaign committee to another; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

HB 3108 by Representatives Pennington, Barlean, Esser, Ericksen and Cairnes

AN ACT Relating to providing adequate revenues for the support of state parks; amending RCW 79A.05.215 and 82.08.020; creating a new section; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Appropriations.

HB 3109 by Representatives Ruderman, Lambert, Dunshee, Linville, Kastama and O'Brien; by request of Governor Locke

AN ACT Relating to property tax relief by spreading property tax valuation increases over four years; amending RCW 84.40.0305; and creating a new section.

Referred to Committee on Finance.

HB 3110 by Representatives Alexander and Wolfe

AN ACT Relating to contract brewing by domestic brewers; and amending RCW 66.24.261.

Referred to Committee on Commerce & Labor.

HB 3111 by Representatives Delvin and O'Brien

AN ACT Relating to professional advancement in the Washington state patrol; and amending RCW 43.43.330, 43.43.340, and 43.43.350.

Referred to Committee on State Government.

HJR 4218 by Representatives Ruderman, Lambert, Dunshee, Linville, Kastama and O'Brien; by request of Governor Locke

Amending the Constitution to allow property tax values to be phased in over a period of up to four years.

Referred to Committee on Finance.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 2000

HB 2022 Prime Sponsor, Representative Schindler: Expanding the national guard scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

January 28, 2000

HB 2331 Prime Sponsor, Representative Campbell: Adopting a patient bill of rights. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Referred to Committee on Appropriations.

January 27, 2000

HB 2332 Prime Sponsor, Representative Schual-Berke: Authorizing student groups to conduct charitable fund-raising.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Passed to Rules Committee for Second Reading.

January 28, 2000

HB 2338 Prime Sponsor, Representative Alexander: Allowing the parks and recreation commission to dispose of certain real property without an auction. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

January 26, 2000

HB 2370 Prime Sponsor, Representative Lovick: Establishing a law enforcement study. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

January 28, 2000

HB 2375 Prime Sponsor, Representative Lantz: Addressing information technology literacy at baccalaureate institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

January 28, 2000

HB 2383 Prime Sponsor, Representative Regala: Creating the aquatic nuisance species committee. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

January 28, 2000

HB 2423 Prime Sponsor, Representative Pennington: Allowing for the disposal of Mt. St. Helen's dredge spoils from public or private lands. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

January 26, 2000

HB 2451 Prime Sponsor, Representative McDonald: Increasing penalties for crimes involving anhydrous ammonia. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic

Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

January 26, 2000

HB 2453 Prime Sponsor, Representative Carrell: Revising the penalties for cheating at gambling. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

January 28, 2000

HB 2454 Prime Sponsor, Representative Edmonds: Providing a program to support family and other unpaid long-term caregivers. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Referred to Committee on Appropriations.

January 26, 2000

HB 2457 Prime Sponsor, Representative Cairnes: Narrowing reasons for escorted leave by prisoners. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

January 28, 2000

HB 2460 Prime Sponsor, Representative Gombosky: Addressing economic revitalization. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Morris; Radcliff; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Morris, Radcliff, Skinner, D. Sommers and Wolfe.

Referred to Committee on Appropriations.

January 28, 2000

HB 2508 Prime Sponsor, Representative Kenney: Promoting economic development in Washington by increasing the skills and productivity of workers. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Finance.

January 28, 2000

HB 2510 Prime Sponsor, Representative Edmonds: Modifying home health, home care, hospice, and in-home services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

January 28, 2000

HB 2520 Prime Sponsor, Representative Schual-Berke: Changing terminology in the release from commitment of persons in mental treatment facilities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

January 28, 2000

HB 2559 Prime Sponsor, Representative Carlson: Changing advanced college tuition payment program provisions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

January 27, 2000

HB 2567 Prime Sponsor, Representative Fisher: Furnishing lists of registered and legal owners of motor vehicles to certain transportation toll facility operators. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Scott, Skinner, Wood and Woods.

Excused: Representatives Buck, G. Chandler, DeBolt and Schual-Berke.

Passed to Rules Committee for Second Reading.

January 27, 2000

HB 2617 Prime Sponsor, Representative Radcliff: Studying excursion cruise services. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Ogden; Pflug; Radcliff; Romero; Schindler; Scott; Skinner; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representative Morris.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Scott, Skinner, Wood and Woods.

Excused: Representatives Buck, G. Chandler, DeBolt and Schual-Berke.

Passed to Rules Committee for Second Reading.

January 28, 2000

HB 2914 Prime Sponsor, Representative Poulsen: Creating a telecommunications clearinghouse.

Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Morris and Reardon.

MINORITY recommendation: Without recommendation. Signed by Representative Thomas.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Mielke, Morris and Reardon.

Voting nay: Representatives Thomas.

Excused: Representatives Wolfe.

Referred to Committee on Appropriations.

January 28, 2000

HB 2926 Prime Sponsor, Representative DeBolt: Repealing certain coal tax exemptions. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Mielke; Morris; Reardon and Thomas.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Mielke, Morris, Reardon and Thomas.

Excused: Representatives Wolfe.

Passed to Rules Committee for Second Reading.

January 26, 2000

HCR 4426 Prime Sponsor, Representative O'Brien: Reviewing state sentencing policy. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

MOTION

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, February 2, 2000, the 24th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWENTY THIRD DAY, FEBRUARY 1, 2000

JOURNAL OF THE HOUSE

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

TWENTY FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 2, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Daniel Joyce and Kristen Dormaier. Prayer was offered by Pastor Gene Turner, Evergreen Christian Center, Olympia.

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

SPEAKER'S PRIVILEGE

Speaker Ballard: "I wish to speak briefly about the incredible tragedy that happened with Alaska Airline's Flight 261. As we watch the events on television and as our hearts hurt with and for these people, it brings anew meaning when we have so many that are part of a company that is from the State of Washington and the employees that many know personally. It is hard to describe the feelings in watching the newscasts and watching the hope; even last night they were looking for survivors. Then to hear the reports of what was going on in the airplane with the pilots knowing they have a problem, and to follow the comments that were made and then try to imagine what was going on in the minds of the people that were directly involved and then suddenly we have this tragedy where so many people lost so much. It affects not only all of us, I think specifically of another Alaska Airlines pilot who was flying in the area and who observed this tragedy as it happened. Think what was going on in that individual's mind. Alaska Airlines is like a big family from what I can understand. That family has lost many of its members. Many of the people who were also involved reach out across the State of Washington and certainly reach out into this institution. I would like to make some comments specifically to any individual and the loss of another individual's children from the tragedy.

Every year over half a million visitors come to the State Capitol. Those visitors return to the schools and communities to share their experiences and talk about what they learned. Much of the time, the only State official those visitors will speak with in-depth while they are here is the tour guide who will describe for them who we are and what we do. To our visitors, our guides become the face of State Government -- and their experiences during their visit shape the opinion of government they will share back home. Our guides -- many of whom are volunteers -- play a critical role as civic educators.

And none set a high standard than Don Shaw. Don was an educator, a friend, a warm and caring man, and a cherished member not only of his family at home -- his six children and thirteen grandchildren -- but also of his family here.

To Don's colleagues here this morning: Thank you for what you do for those who travel here to learn about state government. Thank you for what you do for all the school children. Thank you especially for what you do for us. Please, in the difficulty days to come, treat Don's legacy as an inspiration. Remember the good times. Remember the glow of Don's smile.

To Don's family and all those who lost loved ones in the tragic accident -- including Senate employee Jim Bousche, who lost his son and daughter-in-law -- please accept our sympathy. Know that our thoughts and prayers are with you."

POINT OF PERSONAL PRIVILEGE

Representative Keiser: "Thank you, Mr. Speaker. As you know the 33rd District is home to SeaTac Airport. It is home to many of the people who have suffered so greatly. I would like to have a few moments of silence to consider the hurt, the pain, the tragedy that so many of our constituents, so many of our citizens are suffering."

POINT OF PERSONAL PRIVILEGE

Representative Schindler: "Thank you, Mr. Speaker. My daughter, Kathy is an employee of Alaska Airlines. She was stationed in Spokane and now in San Diego. Thankfully she was not on that flight. She has often said to me that Alaska is family. And because she has been stationed in two different ends of the Seattle SeaTac area, she has known many of the people who were on that flight. So she sends her condolences through me and joins with the rest of the Legislature in saying how sorry she is."

MESSAGES FROM THE SENATE

February 1, 2000

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 3077,

and the same is herewith transmitted.

Tony M. Cook, Secretary

February 1, 2000

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5607,

SENATE BILL NO. 5664,

ENGROSSED SENATE BILL NO. 5665,

ENGROSSED SENATE BILL NO. 5667,

and the same are herewith transmitted.

INTRODUCTIONS AND FIRST READING

HB 3112 by Representative H. Sommers

AN ACT Relating to reasonable offset for use of a motorcycle under the Lemon Law; and amending RCW 19.118.021.

Referred to Committee on Commerce & Labor.

HB 3113 by Representatives Fisher, Radcliff, O'Brien and Ogden

AN ACT Relating to the transportation improvement financing act; amending RCW 82.03.130, 84.52.043, 84.52.065, 84.52.067, 39.92.030, 43.21C.065, 58.17.110, and 82.02.050; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 81 RCW; creating a new section; and repealing RCW 39.88.010, 39.88.020, 39.88.030, 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090, 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905, 39.88.910, 39.88.915, and 84.55.080.

Referred to Committee on Transportation.

HB 3114 by Representatives Veloria and Santos

AN ACT Relating to physical therapist assistants; amending RCW 18.74.010, 18.74.020, 18.74.040, 18.74.060, 18.74.070, 18.74.090, and 18.74.120; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health Care.

HB 3115 by Representatives Veloria and Dunn

AN ACT Relating to requiring a percentage of affordable seats in a baseball stadium; and amending RCW 82.14.360.

Referred to Committee on Economic Development, Housing & Trade.

HJR 4219 by Representatives Fisher, Radcliff, O'Brien and Ogden

Amending the Constitution to allow transportation improvements.

Referred to Committee on Transportation.

SSB 5607 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Wojahn, Fraser, Franklin, Sellar, Prentice, Deccio, Winsley, Rasmussen, Kohl-Welles and Costa)

Permitting retired and disabled employees to obtain health insurance.

Referred to Committee on Health Care.

SB 5664 by Senators Costa, Long, Kline, Hargrove, Thibaudeau, Wojahn, Franklin and Jacobsen

Renaming, with regard to adult and juvenile offenders, "community service" as "community restitution."

Referred to Committee on Criminal Justice & Corrections.

ESB 5665 by Senators Costa, Honeyford, Hargrove, Kline, Heavey, McCaslin and Long

Authorizing vacation of records of convictions for misdemeanors and gross misdemeanors.

Referred to Committee on Judiciary.

ESB 5667 by Senators West and Heavey

Increasing the number of untaxed complimentary tickets available for boxing, kickboxing, martial arts, and wrestling.

Referred to Committee on Commerce & Labor.

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

REPORTS OF STANDING COMMITTEES

January 31, 2000

HB 2330 Prime Sponsor, Representative McMorris: Allowing liquor revolving fund disbursements to the death investigations account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

January 31, 2000

HB 2344 Prime Sponsor, Representative Huff: Authorizing the caseload forecast council to forecast community corrections caseloads. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

January 31, 2000

HB 2396 Prime Sponsor, Representative Mulliken: Modifying provisions that exempt certain municipal officers from the prohibitions on beneficial interests in contracts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

January 31, 2000

HB 2397 Prime Sponsor, Representative Scott: Revising provisions relating to local government fiscal notes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

January 27, 2000

HB 2418 Prime Sponsor, Representative Woods: Establishing a World War II oral history project. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Stensen, Thomas and Wensman.

Referred to Committee on Appropriations.

January 31, 2000

HB 2561 Prime Sponsor, Representative Rockefeller: Authorizing the preservation and development of national historic towns outside of urban growth areas. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

January 31, 2000

HB 2572 Prime Sponsor, Representative Pennington: Defining "motorcycle helmet." Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Ogden, Pflug, Radcliff, Romero, Schindler, Scott, Skinner, Wood and Woods.

Excused: Representatives DeBolt, Morris, Murray and Schual-Berke.

Passed to Rules Committee for Second Reading.

January 31, 2000

HB 2684 Prime Sponsor, Representative D. Sommers: Clarifying what records are available to the department of social and health services. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

MINORITY recommendation: Without recommendation. Signed by Representative Boldt, Republican Vice Chair.

Voting yea: Representatives D. Sommers, Tokuda, Kagi, Campbell, Dickerson, Eickmeyer, Kastama and Pflug.

Voting nay: Representatives Boldt and Carrell.

Passed to Rules Committee for Second Reading.

January 31, 2000

HB 2686 Prime Sponsor, Representative Tokuda: Updating definitions of income and resources.
Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

January 31, 2000

HB 2807 Prime Sponsor, Representative Kagi: Authorizing blended funding projects for youth.
Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Kagi, Campbell, Dickerson, Eickmeyer, Kastama and Pflug.

Voting nay: Representative(s) Boldt and Carrell.

Passed to Rules Committee for Second Reading.

January 31, 2000

HB 2864 Prime Sponsor, Representative Skinner: Funding traffic safety improvements. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Haigh; Hatfield; Hurst; Lovick; McDonald; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schual-Berke; Scott; Skinner and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Republican Vice Chair; DeBolt; Fortunato; Schindler and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Hankins, Buck, G. Chandler, Haigh, Hatfield, Hurst, Lovick, McDonald, Morris, Ogden, Pflug, Radcliff, Romero, Schual-Berke, Scott, Skinner and Wood.

Voting nay: Representatives Ericksen, DeBolt, Fortunato, Mielke, Schindler and Woods.

Excused: Representative Murray.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4729, by Representatives McDonald, Regala, Woods, Talcott, Quall, Dunn, Carrell, Cox, Wolfe, Wensman, Carlson, D. Schmidt, Thomas, Hatfield, Hankins, Pflug and Fortunato

WHEREAS, Explorer Search and Rescue is a youth organization, affiliated with the Boy Scouts of America as a venturing program where youth fourteen years of age and older are trained in the art of wilderness search and rescue; and

WHEREAS, Explorer Search and Rescue recruits and trains nearly three hundred members each year and well over ten thousand youth have gone through this training since 1956; and

WHEREAS, Explorer Search and Rescue units currently have membership in eight counties throughout the state including, King County - 251 members; Kitsap County - 107 members; Mason County - 15 members; Pierce County - 240 members; Skagit County - 57 members; Spokane County - 30 members; Thurston County - 56 members; and Whatcom County - 32 members; and

WHEREAS, Explorer Search and Rescue provides valuable community service during disasters and supports community events such as parades and celebrations; and

WHEREAS, Explorer Search and Rescue helps develop self-confidence and maturity in youth who complete the training and remain active in the program; and

WHEREAS, Explorer Search and Rescue responds to over one hundred fifty missions each year as a member of the emergency management division in Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor both the adults and the youth of our state who have committed their time to the Explorer Search and Rescue organization; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Explorer Search and Rescue units in King, Kitsap, Mason, Pierce, Skagit, Spokane, Thurston, and Whatcom Counties.

Representative McDonald moved adoption of the resolution.

Representatives McDonald, Regala and Wolfe spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4729 was adopted.

HOUSE RESOLUTION NO. 2000-4736, by Representatives Cody, Parlette, Veloria, Kenney, Grant, Lambert, Murray, Constantine, Clements, Wensman, D. Schmidt, Thomas, Mulliken, Edmonds, Regala, Hankins, Dunn, Skinner and Santos

WHEREAS, There are twenty-two nonprofit community and migrant health centers in Washington with clinics located in seventy-seven communities serving over 254,606 people; over 302,029 medical and 331,593 dental visits are provided to uninsured individuals; and the health centers operate more than seventy-seven medical centers and more than forty-eight dental clinics across the state, from the northeast corner to Pacific coast towns; and

WHEREAS, All of the health centers provide access to quality services while removing economic, cultural, geographic, and other barriers to adequate health care; and

WHEREAS, All community and migrant health centers serve uninsured clients on a sliding fee scale that reflects a person's ability to pay for services; and

WHEREAS, Health centers are governed by community-based boards of directors that represent the patients they serve; and

WHEREAS, Health centers in Washington help control costs for health services by reducing inappropriate use of emergency room services and help lower hospital admissions while providing higher childhood immunizations and health education; and

WHEREAS, The services of all Washington community health centers contribute to the safety net and the community, which helps many families;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington commend and honor the commitment and contributions of health centers to the economic and physical health of the community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the community and migrant health centers of Washington state.

Representative Cody moved adoption of the resolution.

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

House Resolution No. 2000-4736 was adopted.

HOUSE RESOLUTION NO. 2000-4735, by Representatives Schual-Berke, Keiser, Santos, Kenney, Edmonds, Conway, Veloria, Linville, Regala, Haigh, Anderson, Rockefeller, Cox, Clements, Talcott, Carlson, Quall, Edwards, Morris, Wensman, D. Schmidt, Thomas, Hankins, Pflug, Fortunato, Dunn and Skinner

WHEREAS, Every child is unique and deserves a stimulating and challenging education regardless of ability; and

WHEREAS, Our state's diverse student population includes academically gifted boys and girls from every region and from all ethnic, cultural, and socioeconomic backgrounds; and

WHEREAS, Gifted children are unusually swift and efficient learners in their areas of strength and therefore require in those domains a different pace, depth, and level of education than is ordinarily provided at their age; and

WHEREAS, Being gifted does not automatically make these children better students, however, gifted students learn faster and in different ways than typical students, causing special educational needs; and

WHEREAS, Only in conjunction with appropriate school challenges can gifted children realize their enormous potential contribution to our society and its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor gifted students throughout the state, their parents, and their teachers; and

BE IT FURTHER RESOLVED, That this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Center for the Study of Capable Youth, the Office of the Superintendent of Public Instruction's Gifted Advisory Committee, and the National Association for the Gifted and Talented.

Representative Schual-Berke moved adoption of the resolution.

Representatives Schual-Berke, Lisk, Rockefeller and Clements spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4735 was adopted.

SIGNED BY THE SPEAKERS

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 3077,

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

There being no objection, House Bill No. 3073 was referred from the Committee on Natural Resources to the Committee on Agriculture & Ecology.

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

MOTION

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Thursday, February 3, 2000, the 25th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWENTY FOURTH DAY, FEBRUARY 2, 2000

JOURNAL OF THE HOUSE

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

TWENTY FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, February 3, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Patrick Baron and Hannah Coleman. Prayer was offered by Deacon Leland Edtl, St. Rose Catholic Church, Longview.

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

MESSAGE FROM THE SENATE

February 2, 2000

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5641,

SUBSTITUTE SENATE BILL NO. 5733,

SENATE BILL NO. 5739,

SUBSTITUTE SENATE BILL NO. 5805,

SENATE BILL NO. 5862,

SUBSTITUTE SENATE BILL NO. 6008,

and the same are herewith transmitted.

Brad J. Hendrickson, Deputy Secretary

INTRODUCTIONS AND FIRST READING

HB 3116 by Representatives Radcliff, Carlson, Esser and Dunn

AN ACT Relating to establishing a linked deposit program for dislocated workers; amending RCW 43.86A.030 and 43.86A.070; and adding a new section to chapter 43.86A RCW.

Referred to Committee on Economic Development, Housing & Trade.

HB 3117 by Representative Benson

AN ACT Relating to speed limits when passing school or playground crosswalks; and amending RCW 46.61.440.

Referred to Committee on Transportation.

HB 3118 by Representatives Van Luven, Veloria, Thomas, Dunshee, Eickmeyer, Barlean and Constantine

AN ACT Relating to extending to tribal and intertribal housing authorities the exemption from state and local tax currently applicable to other housing authorities; amending RCW 35.82.210; creating a new section; and providing an effective date.

Referred to Committee on Economic Development, Housing & Trade.

HB 3119 by Representative Fortunato

AN ACT Relating to refunds from the general fund; and amending RCW 46.09.170.

Referred to Committee on Transportation.

HB 3120 by Representatives Fortunato and Benson

AN ACT Relating to the distribution of taxes; adding new sections to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Transportation.

SSB 5641 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, Wojahn, Sellar and Costa)

Establishing "Help Kids Speak" license plates.

Referred to Committee on Transportation.

SSB 5733 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Honeyford, Costa, Long, Sheahan, Hargrove and Hochstatter)

Revising law governing the sealing of juvenile records.

Referred to Committee on Judiciary.

SB 5739 by Senators Thibaudeau and Deccio

Preparing certificates of death or fetal death.

Referred to Committee on Health Care.

SSB 5805 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Prentice, Deccio, Kohl-Welles and Costa)

Completing the prescriptive authority of advanced registered nurse practitioners.

Referred to Committee on Health Care.

SB 5862 by Senators Gardner, Horn, Patterson, McCaslin and Haugen

Protecting records of strategy discussions.

Referred to Committee on State Government.

SSB 6008 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Hargrove and Long)

Creating youth courts.

Referred to Committee on Criminal Justice & Corrections.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 2000

HB 2309 Prime Sponsor, Representative Thomas: Reinstating the property tax exemption for motor vehicles, travel trailers, and campers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2336 Prime Sponsor, Representative Rockefeller: Reinstating the property tax exemption for motor vehicles, travel trailers, and campers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-

Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2342 Prime Sponsor, Representative Wensman: Requiring the office of financial management to compile an annual report of all state taxes and fees. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2365 Prime Sponsor, Representative Haigh: Exempting certain leasehold interests from leasehold excise tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Reardon, Democratic Vice Chair; Conway; Dickerson; Pennington; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Republican Vice Chair; Carrell; Cox and Van Luven.

Voting yea: Representatives Dunshee, Thomas, Reardon, Conway, Dickerson, Pennington, Santos and Veloria.

Voting nay: Representative Carrell, Cairnes, Cox and Van Luven.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2447 Prime Sponsor, Representative Kastama: Specifying court procedures for recall petitions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2449 Prime Sponsor, Representative Pennington: Revising provisions relating to ethics board staff review of ethics complaints. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2459 Prime Sponsor, Representative Regala: Extending the tenure of the winter recreation advisory committee. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Excused: Representative Sump.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2493 Prime Sponsor, Representative Ruderman: Simplifying implementation of sales and use tax rate changes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2505 Prime Sponsor, Representative Cairnes: Modifying the definition of "city" for the multiple-unit dwellings property tax exemption. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Conway; Dickerson; Pennington; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Reardon, Democratic Vice Chair; Carrell; Cox and Van Luven.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Conway, Dickerson, Pennington, Santos and Veloria.

Voting nay: Representatives Carrell, Reardon, Cox and Van Luven.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2515 Prime Sponsor, Representative Stensen: Simplifying estate tax penalties. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2516 Prime Sponsor, Representative Stensen: Regarding disclosure of information to persons against whom successor tax liability is asserted. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2519 Prime Sponsor, Representative Lovick: Simplifying the excise tax code. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2558 Prime Sponsor, Representative Romero: Changing statutes that effect the productivity board. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2576 Prime Sponsor, Representative D. Sommers: Modifying provisions concerning the registration of business trade names. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

January 31, 2000

HB 2579 Prime Sponsor, Representative Lambert: Making technical corrections to the implementation of the federal personal responsibility and work opportunity reconciliation act of 1996. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

MINORITY recommendation: Do not pass. Signed by Representative Carrell.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Dickerson, Eickmeyer, Kastama and Pflug.

Voting nay: Representative Carrell.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2628 Prime Sponsor, Representative Linville: Modifying prohibitions on colostrum milk. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen and Wood.

Excused: Representatives Sump.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2650 Prime Sponsor, Representative Romero: Simplifying agency to agency transfer of small amounts of personal property. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2658 Prime Sponsor, Representative Romero: Authorizing the use of the design-build procedure to award contracts for the design, fabrication, and installation of building engineering systems. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2671 Prime Sponsor, Representative Thomas: Establishing procedures for handling tax billing errors. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2736 Prime Sponsor, Representative G. Chandler: Creating the task force on water storage. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic

Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen and Wood.
Excused: Representative Sump.

Referred to Committee on Appropriations.

February 1, 2000

HB 2788 Prime Sponsor, Representative Fisher: Funding transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Morris; Ogden; Pflug; Romero; Schindler; Schual-Berke; Skinner; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representative Mielke.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Morris, Ogden, Pflug, Romero, Schindler, Schual-Berke, Skinner, Wood and Woods.

Voting nay: Representative Mielke.

Excused: Representatives G. Chandler, Murray, Radcliff and Scott.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 3076 Prime Sponsor, Representative G. Chandler: Convening a workshop on streamlining project permit processes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Ogden; Pflug; Schindler; Schual-Berke; Skinner; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representative Romero.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Morris, Ogden, Pflug, Schindler, Schual-Berke, Skinner, Wood and Woods.

Voting nay: Representative Romero.

Excused: Representatives G. Chandler, Murray, Radcliff and Scott.

Passed to Rules Committee for Second Reading.

MOTION

On motion of Representative Kessler, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

For the information of the members, it was announced that the following bills listed on the day's Second Reading calendar were in fact bills which had been heard in the last session and were on third reading. There being no objection, the House deferred action on these bills and the bills held their places on the Third Reading calendar.

HOUSE BILL NO. 1383,

HOUSE BILL NO. 1579,

SUBSTITUTE HOUSE BILL NO. 1990,

SUBSTITUTE HOUSE BILL NO. 2078,

There being no objection, the House deferred action on House Bill No. 1572, and the bill held its place on the Second Reading calendar.

MOTIONS

On motion of Representative Schoesler, Representative Radcliff was excused. On motion of Representative Wolfe, Representatives Murray and Morris were excused.

HOUSE BILL NO. 2022, by Representatives Schindler, Sullivan, Bush, Lantz, Mielke, Lovick, Cairnes, Hurst, Kastama, McDonald, Esser, Conway, Campbell, Benson and D. Schmidt

Expanding the national guard scholarship program.

The bill was read the second time. There being no objection, Substitute House Bill No. 2022 was substituted for House Bill No. 2022 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2022 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schindler, Kenney, Sullivan and Carlson spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2022.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2022 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Morris, Murray and Radcliff - 3.

Substitute House Bill No. 2022, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2332, by Representatives Schual-Berke, Edmonds, Dickerson, Keiser, Carlson, Hurst, Lantz and Stensen

Authorizing student groups to conduct charitable fund-raising.

The bill was read the second time. There being no objection, Substitute House Bill No. 2332 was substituted for House Bill No. 2332 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2332 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke, Lambert and Quall spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2332.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2332 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Morris, Murray and Radcliff - 3.

Substitute House Bill No. 2332, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2338, by Representatives Alexander, Regala, Haigh, Ruderman and Parlette; by request of Parks and Recreation Commission

Allowing the parks and recreation commission to dispose of certain real property without an auction.

The bill was read the second time. There being no objection, Substitute House Bill No. 2338 was substituted for House Bill No. 2338 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2338 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Regala spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2338.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2338 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Morris, Murray and Radcliff - 3.

Substitute House Bill No. 2338, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2348, by Representatives G. Chandler and Linville; by request of Conservation Commission

Authorizing treasurer services for conservation districts.

The bill was read the second time. There being no objection, Substitute House Bill No. 2348 was substituted for House Bill No. 2348 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2348 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and G. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2348.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2348 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Morris, Murray and Radcliff - 3.

Substitute House Bill No. 2348, having received the constitutional majority, was declared passed.

With the consent of the House, the House deferred action on House Bill No. 2376, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2378, by Representatives Linville, G. Chandler and Haigh; by request of Department of Agriculture

Regulating structural pest inspections.

The bill was read the second time. There being no objection, Substitute House Bill No. 2378 was substituted for House Bill No. 2378 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2378 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and G. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2378.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2378 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H.

Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.
Excused: Representatives Morris, Murray and Radcliff - 3.

Substitute House Bill No. 2378, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2423, by Representatives Pennington, Hatfield, Boldt and Haigh

Allowing for the disposal of Mt. St. Helen's dredge spoils from public or private lands.

The bill was read the second time. There being no objection, Substitute House Bill No. 2423 was substituted for House Bill No. 2423 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2423 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington and Regala spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2423.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2423 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Morris, Murray and Radcliff - 3.

Substitute House Bill No. 2423, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2457, by Representatives Cairnes, Ballasiotes, Koster, B. Chandler, Bush, Lisk, Schoesler, Talcott, Radcliff, Pflug and Benson

Narrowing reasons for escorted leave by prisoners.

The bill was read the second time. There being no objection, Substitute House Bill No. 2457 was substituted for House Bill No. 2457 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2457 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes, O'Brien, Cox and Wood spoke in favor of passage of the bill.

Representative Lambert spoke against the passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2457.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2457 and the bill passed the House by the following vote: Yeas - 86, Nays - 9, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Koster, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 86.

Voting nay: Representatives Buck, Edmonds, Edwards, Kessler, Lambert, Lantz, Romero, Sullivan and Thomas - 9.

Excused: Representatives Morris, Murray and Radcliff - 3.

Substitute House Bill No. 2457, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2510, by Representatives Edmonds, D. Schmidt, Hurst and Kenney; by request of Department of Health

Modifying home health, home care, hospice, and in-home services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Edmonds spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2510.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2510 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,

Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Morris, Murray and Radcliff - 3.

House Bill No. 2510, having received the constitutional majority, was declared passed.

RECONSIDERATION

Representative Schoesler, having voted on the prevailing side, requested immediate reconsideration of the vote by which Substitute House Bill No. 2457 was passed.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2457, on reconsideration and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Koster, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 85.

Voting nay: Representatives Edwards, Kessler, Lambert, Lantz, McIntire, Regala, Rockefeller, Romero, Sullivan and Thomas - 10.

Excused: Representatives Morris, Murray and Radcliff - 3.

Substitute House Bill No. 2457 on reconsideration, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2520, by Representatives Schual-Berke, Parlette and Cody; by request of Department of Social and Health Services

Changing terminology in the release from commitment of persons in mental treatment facilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Parlette spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2520.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2520 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Morris, Murray and Radcliff - 3.

House Bill No. 2520, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2559, by Representatives Carlson, Kenney, Lantz and Radcliff; by request of Committee on Advanced College Tuition Payment, Higher Education Coordinating Board and State Treasurer

Changing advanced college tuition payment program provisions.

The bill was read the second time.

Representative Carlson moved the adoption of the following amendment (420):

On page 7, after line 33, insert the following:

"(4) With regard to the assets of the account, the state acts in a fiduciary, not ownership capacity. Therefore the assets of the program are not considered state money, common cash or revenue to the state."

Representatives Carlson and Kenney spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Kenney spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2559.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2559, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken,

O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Morris, Murray and Radcliff - 3.

Engrossed House Bill No. 2559, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Friday, February 4, 2000, the 26th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWENTY FIFTH DAY, FEBRUARY 3, 2000

JOURNAL OF THE HOUSE

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

TWENTY SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 4, 2000

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

Speaker Ballard called upon Representative Pennington to preside.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brett Partin and Virginia Menescardi. Prayer was offered by Pastor Karen Clausel, Montesano United Methodist Church.

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

MESSAGE FROM THE SENATE

February 3, 2000

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 3077,

and the same is herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTIONS AND FIRST READING

HB 3121 by Representatives Huff, Lisk, Pennington, Radcliff, Mastin, McMorris, Lambert, Woods, Benson, Delvin, Skinner, Bush, Wensman, Boldt, Barlean, Thomas, Parlette, Pflug, Fortunato, Cairnes, Talcott, Mulliken and Esser

AN ACT Relating to strengthening the state expenditure limit; amending RCW 43.135.025 and 43.135.035; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3122 by Representative Dunshee

AN ACT Relating to school district revenues; and amending RCW 28A.150.250 and 76.12.120.

Referred to Committee on Appropriations.

HB 3123 by Representatives Benson and Mulliken

AN ACT Relating to class size; adding a new section to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Appropriations.

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

REPORTS OF STANDING COMMITTEES

February 2, 2000

HB 1071 Prime Sponsor, Representative Romero: Creating a limited public works process. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 2, 2000

SHB 1074 Prime Sponsor, Committee on State Government: Regulating job order contracting for public works. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 3, 2000

SHB 1385 Prime Sponsor, Committee on Transportation: Regulating automated traffic enforcement systems. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; K. Schmidt, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; Buck; Fortunato; Haigh; Lovick; Morris; Murray; Ogden; Radcliff; Romero; Scott; Skinner and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Republican Vice Chair; G. Chandler; DeBolt; Hatfield; Hurst; McDonald; Mielke; Mitchell; Pflug and Schindler.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Hankins, G. Chandler, Haigh, Hatfield, Hurst, Lovick, Murray, Ogden, Pflug, Romero, Schual-Berke, Scott, Skinner, Wood and Woods.

Voting nay: Representatives Ericksen, Buck, DeBolt, Fortunato, McDonald and Schindler.
Excused: Representatives Mielke, Morris and Radcliff.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 1636 Prime Sponsor, Representative D. Schmidt: Changing primary dates and associated election procedures. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Campbell, Republican Vice Chair; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representatives Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair and Dunshee.

Voting yea: Representatives McMorris, Campbell, Haigh, Lambert and Schmidt.
Voting nay: Representatives Romero, Miloscia and Dunshee.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 1693 Prime Sponsor, Representative Kenney: Creating the Washington's promise scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Dunn, Edmonds, Esser and Gombosky.
Excused: Representative Radcliff.

Referred to Committee on Appropriations.

February 4, 2000

HB 1711 Prime Sponsor, Representative Campbell: Concerning the public disclosure of department of health information received through the hospital licensing process. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Campbell; Edmonds; Pennington and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Conway; Edwards and Mulliken.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Campbell, Edmonds, Pennington and Ruderman.

Voting nay: Representatives Alexander, Conway, Edwards and Mulliken.

Passed to Rules Committee for Second Reading.

February 2, 2000

SHB 1733 Prime Sponsor, Committee on Local Govt: Limiting restrictions on residential day-care facilities. Reported by Committee on Local Government

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen and Fortunato.

Excused: Representative Fisher.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 1945 Prime Sponsor, Representative O'Brien: Allowing a collection agency to collect a commercial debt. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2031 Prime Sponsor, Representative Ruderman: Including midwives in women's health care services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Mulliken; Pennington and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representative Edwards.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Mulliken, Pennington and Ruderman.

Voting nay: Representative Edwards.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2060 Prime Sponsor, Representative DeBolt: Concerning the use of rights-of-way in cities and counties. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Reardon, Thomas and Wolfe.

Excused: Representatives Mielke and Morris.

Passed to Rules Committee for Second Reading.

February 4, 2000

SHB 2099 Prime Sponsor, Committee on Agriculture & Ecology: Allowing an exemption from relinquishment of a water right for nonuse resulting from the operation or pendency of legal proceedings. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Koster, Republican Vice Chair; B. Chandler; Delvin; Fortunato; Grant; Schoesler and Sump.

MINORITY recommendaiton: Do not pass. Signed by: Representatives Cooper, Democratic Vice Chair and Reardon.

Pass to Committee on Rules for second reading.

February 3, 2000

HB 2120 Prime Sponsor, Representative Radcliff: Limiting stepparent liability for child support. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Cox; Dickerson; Kastama; Lantz; Lovick and McDonald.

MINORITY recommendation: Without recommendation. Signed by Representatives Lambert, Republican Vice Chair; Esser and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Cox, Dickerson, Kastama, Lantz, Lovick and McDonald.

Voting nay: Representatives Lambert, Esser and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 2000

ESHB 2123 Prime Sponsor, Committee on State Government: Consolidating procedures for expedited rule making. Reported by Committee on State Government

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by: Representatives Campbell, Republican Vice Chair and Lambert.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh and Schmidt.

Voting nay: Representative Lambert.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2182 Prime Sponsor, Representative Haigh: Adopting the compact for education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Clements; Cody; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Lisk; McIntire; Parlette; Regala; Ruderman; Sullivan and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson; Boldt; Crouse; Lambert; Mastin; McMorris; Sump and Wensman.

Voting yea: Representatives G. Chandler, Linville, Koster, B. Chandler, Delvin, Fortunato, Grant, Schoesler, Sump and Wood.

Voting nay: Representatives Cooper, Anderson, Reardon and Stensen.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2228 Prime Sponsor, Representative Dunshee: Monitoring personal information collected by state agencies. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Referred to Committee on Appropriations.

February 3, 2000

HB 2320 Prime Sponsor, Representative Lantz: Authorizing and applying electronic notice and proxies. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2321 Prime Sponsor, Representative Esser: Authorizing the transmission of electronic proxy appointments. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2334 Prime Sponsor, Representative Gombosky: Changing electricity definitions. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Morris; Reardon and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Thomas.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Reardon and Wolfe.

Voting nay: Representative Thomas.

Excused: Representatives Mielke and Morris.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2341 Prime Sponsor, Representative O'Brien: Specifying community custody ranges. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Regala, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Cody, Kessler, Mulliken, Parlette, Rockefeller and Ruderman.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2343 Prime Sponsor, Representative Hatfield: Allowing the redemption of vehicles by payments from financial institutions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos and Talcott.

MINORITY recommendation: Do not pass. Signed by Representative Sullivan.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos and Talcott.

Voting nay: Representative Sullivan.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2352 Prime Sponsor, Representative Sullivan: Requiring financial responsibility of certain persons who serve liquor. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst and McIntire.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst and McIntire.

Voting nay: Representatives B. Chandler, Lisk and McMorris.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2353 Prime Sponsor, Representative Wood: Allowing criminal history records to be sent to the Washington state gambling commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2358 Prime Sponsor, Representative Wood: Allowing charitable organizations to hire vendors to conduct fund raising events. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Lisk; McIntire and McMorris.

MINORITY recommendation: Do not pass. Signed by Representative Hurst.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Lisk, McIntire and McMorris.

Voting nay: Representatives Hurst.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2359 Prime Sponsor, Representative Parlette: Concerning the nursing facility payment rate. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Referred to Committee on Appropriations.

February 4, 2000

HB 2364 Prime Sponsor, Representative Cody: Eliminating employment barriers for individuals with disabilities. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Referred to Committee on Appropriations.

February 3, 2000

HB 2366 Prime Sponsor, Representative Lantz: Preventing liability of volunteers. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2367 Prime Sponsor, Representative Kenney: Including higher education programs in the work activity definition. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2369 Prime Sponsor, Representative Conway: Addressing occupational safety and health impact grants. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst and McIntire.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst and McIntire.
Voting nay: Representatives Lisk and McMorris.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2372 Prime Sponsor, Representative Kagi: Regulating detention of children within secure facilities. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2377 Prime Sponsor, Representative G. Chandler: Regulating custom meat slaughter and preparation. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2380 Prime Sponsor, Representative Cody: Clarifying the authority of the department of social and health services concerning boarding homes. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2382 Prime Sponsor, Representative Van Luven: Splitting the department of community, trade, and economic development and reestablishing the department of community development and

the department of trade and economic development. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Veloria, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Skinner, D. Sommers and Wolfe.

Excused: Representatives Morris and Radcliff.

Referred to the Committee on Appropriations.

February 3, 2000

HB 2391 Prime Sponsor, Representative Doumit: Creating a joint task force on shoreline planning. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Ericksen and Fortunato.

MINORITY recommendation: Without recommendation. Signed by Representatives Edwards and Fisher.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Ericksen and Fortunato.

Voting nay: Representatives Edwards and Fisher.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2392 Prime Sponsor, Representative Doumit: Creating the joint task force on local governments. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2402 Prime Sponsor, Representative Ballasiotes: Changing provisions relating to domestic violence. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic

Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 2, 2000

HB 2403 Prime Sponsor, Representative Kastama: Creating the national World War II memorial account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Cody and McIntire.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2405 Prime Sponsor, Representative Gombosky: Specifying election dates for a first class city that changes its form of government. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen and Fortunato.

Excused: Representative Fisher.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2406 Prime Sponsor, Representative Regala: Changing salmon recovery provisions. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Eickmeyer; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Pennington.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Clements, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Excused: Representatives G. Chandler and Doumit.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2407 Prime Sponsor, Representative Lantz: Authorizing judges pro tempore whenever a judge serves on a commission, board, or committee. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2409 Prime Sponsor, Representative Talcott: Establishing the character education partnership program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Referred to Committee on Appropriations.

February 4, 2000

HB 2410 Prime Sponsor, Representative Lovick: Protecting credit card users. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2414 Prime Sponsor, Representative Stensen: Providing death benefits for school employees.
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen and Wensman.
Excused: Representative Thomas.

Referred to Committee on Appropriations.

February 1, 2000

HB 2415 Prime Sponsor, Representative Quall: Authorizing charter public schools. Reported by
Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Rockefeller; D. Schmidt; Thomas and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Cox; Keiser; Santos and Stensen.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Rockefeller, Schmidt, Stensen, Thomas and Wensman.
Voting nay: Representatives Cox, Keiser and Santos.
Excused: Representative Schual-Berke.

Referred to Committee on Appropriations.

February 4, 2000

HB 2420 Prime Sponsor, Representative Linville: Providing for oil and gas pipeline safety. Reported
by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Stensen and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Schoesler and Sump.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Stensen and Wood.
Voting nay: Representatives Schoesler and Sump.

Referred to Committee on Appropriations.

February 4, 2000

HB 2421 Prime Sponsor, Representative Pennington: Changing air pollution control measures.
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen and Sump.

MINORITY recommendation: Without recommendation. Signed by Representatives Cooper, Democratic Vice Chair and Wood.

Voting yea: Representatives G. Chandler, Linville, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen and Sump.
Voting nay: Representatives Cooper and Wood.

Referred to Committee on Transportation.

February 4, 2000

HB 2424 Prime Sponsor, Representative Ballasiotes: Changing provisions to comply with federal standards for monitoring sex offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2434 Prime Sponsor, Representative Carrell: Expanding civil jurisdiction of district courts.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2439 Prime Sponsor, Representative Tokuda: Revising the family reconciliation process.
Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic

Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

February 2, 2000

HB 2441 Prime Sponsor, Representative Wensman: Increasing government accountability through the state sunset review process. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2445 Prime Sponsor, Representative Constantine: Regulating swap meets. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2452 Prime Sponsor, Representative Cody: Making technical changes and corrections to department of health statutes. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2456 Prime Sponsor, Representative Cairnes: Increasing seriousness of identity crimes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Ruderman; Sullivan; Sump and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Kagi; Regala and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Parlette, Ruderman, Sullivan, Sump and Wensman.

Voting nay: Representatives Kagi, Regala and Tokuda.

Excused: Representatives Kessler, Mulliken and Rockefeller.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2458 Prime Sponsor, Representative Ballasiotes: Denying prisoners access to public records. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair and D. Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunshee; Haigh and Lambert.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Lambert and Schmidt.

Voting nay: Representatives Dunshee and Haigh.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2461 Prime Sponsor, Representative Reardon: Acknowledging the satisfaction of a judgment. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Hurst, Democratic Vice Chair; Cox; Dickerson; Kastama; Lantz; Lovick; McDonald and Schindler.

MINORITY recommendation: Without recommendation. Signed by Representatives Lambert, Republican Vice Chair and Esser.

Voting yea: Representatives Carrell, Constantine, Hurst, Cox, Dickerson, Kastama, Lantz, Lovick, McDonald and Schindler.

Voting nay: Representatives Lambert and Esser.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2462 Prime Sponsor, Representative Reardon: Requiring notification when microbial contamination in untreated water segments exceeds allowable standards and poses a public health risk. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2466 Prime Sponsor, Representative Regala: Creating a ballast water monitoring program. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.
Excused: Representative Sump.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2474 Prime Sponsor, Representative Kastama: Allowing pro se attorneys' fees in civil actions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2476 Prime Sponsor, Representative Lambert: Investigating deaths of children. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2477 Prime Sponsor, Representative D. Schmidt: Funding the municipal research council. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Cody and McIntire.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2483 Prime Sponsor, Representative Carrell: Making communications between emergency service providers and trained peer supporters privileged. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Cox; Dickerson; Kastama; Lantz; Lovick and McDonald.

MINORITY recommendation: Without recommendation. Signed by Representatives Lambert, Republican Vice Chair; Esser and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Dickerson, Kastama, Lantz, Lovick and McDonald.

Voting nay: Representatives Lambert, Cox, Esser and Schindler.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2495 Prime Sponsor, Representative Pennington: Allowing holders of big and small game hunting licenses to hunt unclassified wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2496 Prime Sponsor, Representative Delvin: Creating an exemption for out-of-state certificate of approval holders that furnish wine or beer to nonprofit charitable organizations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2498 Prime Sponsor, Representative O'Brien: Revising sanctions for violating conditions of the juvenile offender basic training camp program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Parlette, Regala, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Kessler, Mulliken and Rockefeller.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2504 Prime Sponsor, Representative Constantine: Providing additional authority for superior court commissioners. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Lovick; McDonald and Schindler.

MINORITY recommendation: Do not pass. Signed by Representatives Kastama and Lantz.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Lovick, McDonald and Schindler.

Voting nay: Representatives Kastama and Lantz.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2509 Prime Sponsor, Representative O'Brien: Protecting dependent persons. Reported by
Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; Constantine and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Republican Vice Chair; B. Chandler and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Lovick, Constantine and Kagi.

Voting nay: Representatives Cairnes, B. Chandler and Koster.

Referred to Committee on Appropriations.

February 4, 2000

HB 2511 Prime Sponsor, Representative Ballasiotes: Eliminating retroactive tolling provisions for restitution/legal financial obligations and allowing tolling for other forms of supervision. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2512 Prime Sponsor, Representative Ballasiotes: Creating a criminal investigations unit within the department of corrections. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 4, 2000

HB 2513 Prime Sponsor, Representative Ballasiotes: Providing for the release of mental health information under certain circumstances. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

MINORITY recommendation: Do not pass. Signed by Representative Cairnes, Republican Vice Chair.

Voting yea: Representatives Ballasiotes, O'Brien, Lovick, B. Chandler, Constantine, Kagi and Koster.

Voting nay: Representative Cairnes.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2522 Prime Sponsor, Representative Lantz: Modifying court jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2525 Prime Sponsor, Representative Carrell: Requiring certification of bail bond recovery agents. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Esser; Kastama; Lovick and Schindler.

MINORITY recommendation: Do not pass. Signed by Representatives Cox; Dickerson; Lantz and McDonald.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Esser, Kastama, Lovick and Schindler.

Voting nay: Representatives Cox, Dickerson, Lantz and McDonald.

Referred to Committee on Appropriations.

February 2, 2000

HB 2528 Prime Sponsor, Representative Cairnes: Regulating capacity charges for sewage facilities by metropolitan municipal corporations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen and Fortunato.

Excused: Representative Fisher.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2529 Prime Sponsor, Representative Clements: Prohibiting unfair competition by motor vehicle dealers and manufacturers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk and McMorris.

MINORITY recommendation: Do not pass. Signed by Representative McIntire.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk and McMorris.

Voting nay: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2531 Prime Sponsor, Representative Doumit: Providing statutory support for career and technical student organizations. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2535 Prime Sponsor, Representative Miloscia: Facilitating payments to subcontractors on design-build projects. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2536 Prime Sponsor, Representative Miloscia: Concerning the general contractor/construction manager procedure of public works contracting. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2538 Prime Sponsor, Representative Miloscia: Creating small works roster provisions to award public works contracts. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2542 Prime Sponsor, Representative Keiser: Limiting administrative fees that school districts charge alternative educational service providers. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2546 Prime Sponsor, Representative Tokuda: Establishing WorkFirst performance measures. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

MINORITY recommendation: Without recommendation. Signed by Representatives D. Sommers, Republican Co-Chair and Boldt, Republican Vice Chair.

Voting yea: Representatives Tokuda, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Voting nay: Representatives D. Sommers and Boldt.

Referred to Committee on Appropriations.

February 4, 2000

HB 2554 Prime Sponsor, Representative Anderson: Requiring rules to regulate finfish aquaculture. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives G. Chandler; Clements and Pennington.

Voting yea: Representatives Buck, Regala, Anderson, Doumit, Eickmeyer, Ericksen, Rockefeller and Stensen.

Voting nay: Representatives Sump, G. Chandler, Clements and Pennington.

Referred to Committee on Appropriations.

February 2, 2000

HB 2565 Prime Sponsor, Representative Poulsen: Providing for disclosure to consumers regarding the characteristics associated with their electric energy product. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

On page 6, line 17 after "utilities" insert "and mutual light and power companies"

On page 6, line 19, after "customers," strike the remainder of the section and insert "and have disclosure label information available in their main business office. If a small utility or mutual company engages in marketing a specific electric product new to that utility it shall provide the disclosure label described in subsection (3)(c)."

On page 9, beginning on line 30, strike all material through "resource." on line 34.

Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Kastama; McDonald; Mielke; Morris; Reardon and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Delvin and Thomas.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Kastama, McDonald, Mielke, Morris, Reardon and Wolfe.

Voting nay: Representatives Delvin and Thomas.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2569 Prime Sponsor, Representative Edmonds: Protecting vulnerable adults. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Pennington and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representative Mulliken.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Pennington and Ruderman.

Voting nay: Representative Mulliken.

Referred to Committee on Appropriations.

February 3, 2000

HB 2582 Prime Sponsor, Representative Schindler: Changing provisions relating to the Washington assessment of student learning. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Referred to Committee on Appropriations.

February 4, 2000

HB 2587 Prime Sponsor, Representative Kagi: Modifying ballot title laws. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2588 Prime Sponsor, Representative Tokuda: Creating domestic violence fatality review panels.
Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

February 2, 2000

HB 2589 Prime Sponsor, Representative Buck: Clarifying what projects are eligible for funding by the salmon recovery funding board. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Clements, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Excused: Representatives G. Chandler and Doumit.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2590 Prime Sponsor, Representative Benson: Extending the expiration date on certain pollution liability insurance programs. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2591 Prime Sponsor, Representative Morris: Compensating railroads for utility use of rights-of-way. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Delvin; McDonald; Morris; Reardon; Thomas and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Poulsen, Democratic Co-Chair and Kastama.

Voting yea: Representatives Crouse, DeBolt, Ruderman, Bush, Delvin, McDonald, Morris, Thomas and Wolfe.

Voting nay: Representatives Poulsen and Kastama.

Excused: Representatives Cooper, Mielke and Reardon.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2595 Prime Sponsor, Representative Ogden: Authorizing entry of protection order information in the judicial information system. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Voting nay: Representatives

Excused: Representatives

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2599 Prime Sponsor, Representative Doumit: Promoting the improvement of port district employees. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen and Fortunato.

Excused: Representative Fisher.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2600 Prime Sponsor, Representative Santos: Controlling domestic insurance companies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2604 Prime Sponsor, Representative Doumit: Creating additional options for payment of retirement allowances. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Cody and McIntire.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2607 Prime Sponsor, Representative Delvin: Decreasing the employee contribution rate for the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Cody and McIntire.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2609 Prime Sponsor, Representative Carrell: Allowing agents to give notice of dishonored checks. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2610 Prime Sponsor, Representative Dickerson: Ordering a study of residential services for children. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer and Kastama.

MINORITY recommendation: Without recommendation. Signed by Representative Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer and Kastama.

Voting nay: Representative Pflug.

Referred to Committee on Appropriations.

February 3, 2000

HB 2612 Prime Sponsor, Representative McDonald: Clarifying when a defendant must appear. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2614 Prime Sponsor, Representative G. Chandler: Expanding sufficient cause for nonuse of water rights. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Excused: Representative Linville.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2620 Prime Sponsor, Representative Fisher: Clarifying tow truck laws. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Murray; Ogden; Pflug; Romero; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Ogden, Pflug, Romero, Schindler, Scott, Skinner, Wood and Woods.

Excused: Representatives Edwards, Mielke, Morris, Murray, Radcliff and Schual-Berke.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2625 Prime Sponsor, Representative Regala: Allowing the disposition of state forest lands without public auction. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Clements, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Excused: Representatives G. Chandler and Doumit.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2627 Prime Sponsor, Representative Cody: Creating the division of long-term care and rehabilitation services. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Referred to Committee on Appropriations.

February 4, 2000

HB 2629 Prime Sponsor, Representative Romero: Exchanging administrative and light industrial facilities and land by the department of natural resources. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Doumit; Eickmeyer; Pennington; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements and Ericksen.

Voting yea: Representatives Buck, Regala, Anderson, Doumit, Eickmeyer, Pennington, Rockefeller and Stensen.

Voting nay: Representatives Sump, G. Chandler, Clements and Ericksen.

Referred to Committee on Capital Budget.

February 2, 2000

HB 2630 Prime Sponsor, Representative Schoesler: Changing warehouse receipts. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Clements, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Excused: Representatives G. Chandler and Doumit.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2633 Prime Sponsor, Representative B. Chandler: Registering structural engineers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2637 Prime Sponsor, Representative Tokuda: Requiring background checks on persons who will be in contact with vulnerable adults. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

February 3, 2000

HB 2644 Prime Sponsor, Representative Delvin: Restoring unfinished nuclear power sites. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2647 Prime Sponsor, Representative Reardon: Requiring safety devices for flaggers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst and McIntire.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair; Lisk and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst and McIntire.
Voting nay: Representatives B. Chandler, Lisk and McMorris.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2648 Prime Sponsor, Representative Miloscia: Revising the Washington state quality award program. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh and D. Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representatives McMorris, Republican Co-Chair and Lambert.

Voting yea: Representatives Romero, Campbell, Miloscia, Dunshee, Haigh and Schmidt.
Voting nay: Representatives McMorris and Lambert.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2649 Prime Sponsor, Representative Wolfe: Granting the department of information services the authority to provide services to nonprofit organizations. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Mielke; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2656 Prime Sponsor, Representative Kagi: Reducing energy costs for customers that have significant energy needs due to serious health problems. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Morris; Reardon and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives DeBolt, Republican Vice Chair and Thomas.

Voting yea: Representatives Crouse, Poulsen, Ruderman, Bush, Delvin, McDonald, Morris and Wolfe.

Voting nay: Representatives DeBolt and Thomas.

Excused: Representatives Cooper, Kastama, Mielke and Reardon.

Referred to Committee on Finance.

February 2, 2000

HB 2657 Prime Sponsor, Representative B. Chandler: Allowing a licensed distiller to hold a spirits, beer, and wine license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2660 Prime Sponsor, Representative Huff: Changing record checks for the state investment board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk;

McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representative Mastin.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Cody and McIntire.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2661 Prime Sponsor, Representative H. Sommers: Paying travel expenses for certain state investment board applicants. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; McMorris; Mulliken; Regala; Rockefeller; Ruderman; Sump; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representative Sullivan.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sump, Tokuda and Wensman.

Voting nay: Representative Sullivan.

Excused: Representatives Cody and McIntire.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2662 Prime Sponsor, Representative Haigh: Studying the feasibility of a central repository of teacher education and experience information. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2663 Prime Sponsor, Representative Alexander: Providing for the distribution of atypical antipsychotic medications to underserved populations. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2664 Prime Sponsor, Representative Alexander: Changing auditing procedures relating to administrative costs of mental health services. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Referred to Committee on Appropriations.

February 4, 2000

HB 2667 Prime Sponsor, Representative Veloria: Establishing standards for the prompt payment of bills incurred by state government. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh and Schmidt.

Voting nay: Representative Lambert.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2670 Prime Sponsor, Representative Delvin: Authorizing the department of ecology to waive the requirement for a reserve account for local governments maintaining landfills. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen and Wood.

Excused: Representative Sump.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2672 Prime Sponsor, Representative Radcliff: Creating a telephone solicitation no sales call list.
Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Morris; Reardon and Thomas.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Delvin, Kastama, McDonald, Morris, Thomas and Wolfe.

Excused: Representatives Cooper, Mielke and Reardon.

Referred to Committee on Appropriations.

February 4, 2000

HB 2673 Prime Sponsor, Representative Lambert: Allowing e-mail to constituents at any time.
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2675 Prime Sponsor, Representative Skinner: Updating requirements for child passenger restraint systems. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; Buck; DeBolt; Haigh; Hatfield; Hurst; Lovick; Morris; Ogden; Radcliff; Schual-Berke; Scott; Skinner; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Republican Vice Chair; G. Chandler; Fortunato and Schindler.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Hankins, Buck, DeBolt, Haigh, Hatfield, Hurst, Lovick, McDonald, Morris, Ogden, Radcliff, Schual-Berke, Scott, Skinner, Wood and Woods.

Voting nay: Representatives Ericksen, G. Chandler, Fortunato, Pflug and Schindler.

Excused: Representatives Mielke, Murray and Romero.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2678 Prime Sponsor, Representative Wolfe: Using the internet to distribute sex offender information. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2683 Prime Sponsor, Representative Conway: Protecting patients in state hospitals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2685 Prime Sponsor, Representative D. Sommers: Providing for the use of criminal history records by the secretary of social and health services in establishing licensing requirements. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2688 Prime Sponsor, Representative McIntire: Establishing an earned income training credit program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Lantz, Democratic Vice Chair; Dunn; Edmonds and Gombosky.

MINORITY recommendation: Without recommendation. Signed by Representative Esser.

Voting yea: Representatives Carlson, Kenney, Lantz, Dunn, Edmonds and Gombosky.

Voting nay: Representative Esser.

Excused: Representative Radcliff.

Referred to Committee on Appropriations.

February 4, 2000

HB 2712 Prime Sponsor, Representative Lambert: Changing the elements of the crime of sexual misconduct with a minor. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2713 Prime Sponsor, Representative Constantine: Requiring mandatory arbitration in some counties. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2716 Prime Sponsor, Representative Delvin: Changing provisions relating to vehicle impounds. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Kastama and Lantz.

MINORITY recommendation: Without recommendation. Signed by Representatives Hurst, Democratic Vice Chair; Esser; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Lambert, Cox, Dickerson, Kastama, Lantz and Lovick.

Voting nay: Representatives Hurst, Esser, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2717 Prime Sponsor, Representative Ballasiotes: Modifying provisions pertaining to the certification of peace officers. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

MINORITY recommendation: Do not pass. Signed by Representative Cairnes, Republican Vice Chair.

Voting yea: Representatives Ballasiotes, O'Brien, Lovick, B. Chandler, Constantine, Kagi and Koster.

Voting nay: Representative Cairnes.

Referred to Committee on Appropriations.

February 4, 2000

HB 2719 Prime Sponsor, Representative Ericksen: Providing immunity for placement of large woody debris into streams. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2721 Prime Sponsor, Representative Morris: Changing provisions relating to venue of actions by or against counties. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2722 Prime Sponsor, Representative Kenney: Excluding exempt positions from bargaining units of employees of institutions of higher education governed by chapter 41.56 RCW. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2726 Prime Sponsor, Representative Cooper: Minimizing the use of pesticides around schools. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; Fortunato; Grant; Reardon; Stensen and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives G. Chandler, Republican Co-Chair; Koster, Republican Vice Chair; B. Chandler; Delvin; Schoesler and Sump.

Voting yea: Representatives Linville, Cooper, Koster, Anderson, Fortunato, Grant, Reardon and Sump.

Voting nay: Representatives G. Chandler, B. Chandler, Delvin, Schoesler, Stensen and Wood.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2729 Prime Sponsor, Representative Clements: Requiring disclosure of salaries by contractors performing personal service contracts for state agencies. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2733 Prime Sponsor, Representative Wensman: Allowing family member representation for traffic charges against non-English speaking persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2735 Prime Sponsor, Representative B. Chandler: Clarifying "voluntarily fails" for water rights relinquishment purposes. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2737 Prime Sponsor, Representative Linville: Modifying the composition and extending the term of the dairy nutrient management task force. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2738 Prime Sponsor, Representative Dickerson: Giving the office of financial management oversight over state agency personal service contracting practices. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representative Campbell, Republican Vice Chair.

Voting yea: Representatives McMorris, Romero, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Voting nay: Representative Campbell.

Referred to Committee on Appropriations.

February 2, 2000

HB 2749 Prime Sponsor, Representative Quall: Creating extended learning opportunities for struggling students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Referred to Committee on Appropriations.

February 3, 2000

HB 2750 Prime Sponsor, Representative D. Schmidt: Including prevention for potential victims of sexual assault as a core treatment service for victims of sexual assault. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2755 Prime Sponsor, Representative Gombosky: Clarifying the taxation of electrical energy sales. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Mielke; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2762 Prime Sponsor, Representative Tokuda: Providing for departmental and judicial review of decisions regarding foster children. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Dickerson; Eickmeyer; Kastama and Pflug.

MINORITY recommendation: Do not pass. Signed by Representative Carrell.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Dickerson, Eickmeyer, Kastama and Pflug.

Voting nay: Representatives Carrell.

Referred to Committee on Appropriations.

February 2, 2000

HB 2765 Prime Sponsor, Representative McIntire: Authorizing delegation of authority regarding revenue bonds for port districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen and Fortunato.

Excused: Representative Fisher.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2766 Prime Sponsor, Representative Cairnes: Adjusting RV size limits. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Murray; Ogden; Pflug; Romero; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representative Cooper, Democratic 1st Vice Chair.

Voting yea: Representatives Fisher, Mitchell, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Ogden, Pflug, Romero, Schindler, Scott, Skinner, Wood and Woods.

Voting nay: Representative Cooper.

Excused: Representatives Mielke, Morris, Murray, Radcliff and Schual-Berke.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2767 Prime Sponsor, Representative Benson: Exempting certain insurance documents from the filing requirements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Santos; Sullivan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire, Democratic Vice Chair and Quall.

Voting yea: Representatives Benson, Hatfield, Bush, Barlean, Cairnes, DeBolt, Keiser, Santos, Sullivan and Talcott.

Voting nay: Representatives McIntire and Quall.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2771 Prime Sponsor, Representative Mastin: Changing amendments to water rights claims. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2772 Prime Sponsor, Representative Hurst: Requiring new courts to report their establishment to the supreme court. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2773 Prime Sponsor, Representative Constantine: Providing for enforcement of court ordered financial obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2774 Prime Sponsor, Representative Carrell: Revising provisions for appointment of judges pro tempore. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Lantz; Lovick; McDonald and Schindler.

MINORITY recommendation: Do not pass. Signed by Representative Kastama.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Lantz, Lovick, McDonald and Schindler.

Voting nay: Representative Kastama.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2775 Prime Sponsor, Representative Lambert: Clarifying requirements for the transfer of cases from commissioners to judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2776 Prime Sponsor, Representative Constantine: Providing for deferred findings and collection of an administrative fee in an infraction case. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2792 Prime Sponsor, Representative Haigh: Protecting personal financial information. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2793 Prime Sponsor, Representative Miloscia: Creating the citizens' alliance for government accountability. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Referred to Committee on Appropriations.

February 4, 2000

HB 2797 Prime Sponsor, Representative Alexander: Changing provisions relating to financial responsibility for confinement of offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 4, 2000

HB 2798 Prime Sponsor, Representative Lambert: Requiring that prescriptions be printed, typed, or computer generated. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representative Schual-Berke, Democratic Vice Chair.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Voting nay: Representative Schual-Berke.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2799 Prime Sponsor, Representative Lambert: Granting state-wide warrant jurisdiction to courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Voting nay: Representative Cox.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2803 Prime Sponsor, Representative Lambert: Allowing private school students and students receiving home-based education to take the Washington assessments of student learning at district expense. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Stensen; Thomas and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representative Schual-Berke.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Stensen, Thomas and Wensman.

Voting nay: Representative Schual-Berke.

Referred to Committee on Appropriations.

February 3, 2000

HB 2804 Prime Sponsor, Representative Lambert: Requiring a study of nonelected judicial officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2806 Prime Sponsor, Representative G. Chandler: Providing for integration of shoreline master programs into growth management planning. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Ericksen and Fortunato.

MINORITY recommendation: Do not pass. Signed by Representatives Scott, Democratic Co-Chair; Edwards and Fisher.

Voting yea: Representatives Mulliken, Doumit, Mielke, Ericksen and Fortunato.

Voting nay: Representatives Scott, Edwards and Fisher.

Referred to Committee on Appropriations.

February 4, 2000

HB 2809 Prime Sponsor, Representative Kagi: Creating a foster care scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Dunn, Edmonds, Esser and Gombosky.
Excused: Representative Radcliff.

Referred to Committee on Appropriations.

February 4, 2000

HB 2815 Prime Sponsor, Representative Dunshee: Revising late voter registration procedures. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh and D. Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representative Lambert.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh and Schmidt.

Voting nay: Representative Lambert.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2818 Prime Sponsor, Representative B. Chandler: Requiring a preconstruction analysis of the Roza irrigation district off-stream storage project. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Appropriations.

February 4, 2000

HB 2819 Prime Sponsor, Representative B. Chandler: Clarifying the number of landowners needed on petitions to merge minor irrigation districts into other special purpose districts. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2828 Prime Sponsor, Representative Morris: Changing the primary date. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh and D. Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representatives McMorris, Republican Co-Chair; Campbell, Republican Vice Chair and Lambert.

Voting yea: Representatives Romero, Miloscia, Dunshee, Haigh and Schmidt.

Voting nay: Representatives McMorris, Campbell and Lambert.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2832 Prime Sponsor, Representative McMorris: Changing eligibility for educational opportunity grants. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

February 3, 2000

HB 2834 Prime Sponsor, Representative Kenney: Creating a conditional scholarship for vocational-technical education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Dunn; Edmonds and Gombosky.

MINORITY recommendation: Without recommendation. Signed by Representative Esser.

Voting yea: Representatives Carlson, Kenney, Lantz, Dunn, Edmonds and Gombosky.

Voting nay: Representative Esser.

Excused: Representative Radcliff.

Referred to Committee on Appropriations.

February 2, 2000

HB 2835 Prime Sponsor, Representative Kenney: Changing the future teachers conditional scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

February 4, 2000

HB 2845 Prime Sponsor, Representative Romero: Establishing naming guidelines for capitol campus buildings and spaces. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2846 Prime Sponsor, Representative Benson: Providing certain notices to agents or brokers.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2847 Prime Sponsor, Representative Mulliken: Providing sanctions when a local government fails to issue a final decision on a project permit application within the applicable time period.
Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen and Fortunato.

Excused: Representative Fisher.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2848 Prime Sponsor, Representative Hatfield: Safeguarding securities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2849 Prime Sponsor, Representative Hurst: Providing for state certification and training for liquor control board officers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; McIntire and McMorris.

MINORITY recommendation: Do not pass. Signed by Representative Lisk.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Referred to Committee on Appropriations.

February 3, 2000

HB 2851 Prime Sponsor, Representative Reardon: Changing the state's funding limit for flood control maintenance projects. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Mastin, McIntire, McMorris, Parlette, Regala, Sullivan, Sump, Tokuda and Wensman.
Excused: Representatives Kessler, Lisk, Mulliken, Rockefeller and Ruderman.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2853 Prime Sponsor, Representative Wolfe: Conforming the advisory council for the blind with the federal rehabilitation act. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2858 Prime Sponsor, Representative D. Schmidt: Eliminating certain reports to the legislature. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic

Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2861 Prime Sponsor, Representative O'Brien: Modifying the definition of health care information. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2862 Prime Sponsor, Representative Delvin: Designating payphone service providers, or "aggregators," as competitive telephone service providers. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Morris, Reardon, Thomas and Wolfe.

Voting nay: Representatives
Excused: Representatives Mielke,

Referred to Committee on Finance.

February 3, 2000

HB 2865 Prime Sponsor, Representative Carrell: Providing additional protection for vulnerable adults. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

February 4, 2000

HB 2867 Prime Sponsor, Representative Linville: Defining a "reservoir" to include an underground geological formation. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Appropriations.

February 1, 2000

HB 2868 Prime Sponsor, Representative Ericksen: Allowing electronic warehouse receipts. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen and Wood.

Excused: Representative Sump.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2872 Prime Sponsor, Representative DeBolt: Establishing an escrow procedure for the sale of manufactured homes. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos and Talcott.

MINORITY recommendation: Do not pass. Signed by Representative Sullivan.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos and Talcott.

Voting nay: Representative Sullivan.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2873 Prime Sponsor, Representative Parlette: Increasing local government debt limits to finance capital facilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen and Fortunato.

Excused: Representative Fisher.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2874 Prime Sponsor, Representative Dunn: Creating a legislative task force on community and technical college tuition, residency, and compensation. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Dunn, Edmonds, Esser and Gombosky.
Excused: Representative Radcliff.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2880 Prime Sponsor, Representative Cooper: Allowing public utility districts and rural port districts to provide telecommunications services. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Reardon and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Morris and Thomas.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Reardon and Wolfe.

Voting nay: Representative Thomas.

Excused: Representatives Mielke and Morris.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2881 Prime Sponsor, Representative Crouse: Allowing new forms of regulation of telecommunications companies. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair;

Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Reardon, Thomas and Wolfe.

Excused: Representatives Mielke and Morris.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2884 Prime Sponsor, Representative Constantine: Providing notice requirements for parents subject to court orders and standards regarding residential time or visitation. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Dickerson; Esser; Kastama; Lantz; Lovick and McDonald.

MINORITY recommendation: Do not pass. Signed by Representatives Lambert, Republican Vice Chair; Cox and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Dickerson, Esser, Kastama, Lantz, Lovick and McDonald.

Voting nay: Representatives Lambert, Cox and Schindler.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2885 Prime Sponsor, Representative Hatfield: Defining investment adviser. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; Barlean; Cairnes; DeBolt; Santos; Sullivan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire, Democratic Vice Chair; Keiser and Quall.

Voting yea: Representatives Benson, Hatfield, Bush, Barlean, Cairnes, DeBolt, Santos, Sullivan and Talcott.

Voting nay: Representatives McIntire, Keiser and Quall.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2886 Prime Sponsor, Representative Barlean: Exempting certain service contracts from regulation. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-

Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos and Talcott.

MINORITY recommendation: Do not pass. Signed by Representative Sullivan.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos and Talcott.

Voting nay: Representative Sullivan.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2887 Prime Sponsor, Representative Fisher: Exempting certain commercial vehicles from replacing license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Murray; Ogden; Pflug; Romero; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Morris, Murray, Ogden, Pflug, Romero, Schindler, Scott, Skinner and Wood.

Excused: Representatives Mielke, Radcliff, Schual-Berke and Woods.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2891 Prime Sponsor, Representative Lantz: Treating active duty military personnel as residents for purposes of higher education tuition. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Dunn, Edmonds, Esser and Gombosky.
Excused: Representative Radcliff.

Referred to Committee on Appropriations.

February 4, 2000

HB 2895 Prime Sponsor, Representative Doumit: Creating a program for employing affected natural resource workers in habitat restoration and enhancement. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Referred to Committee on Appropriations.

February 2, 2000

HB 2896 Prime Sponsor, Representative Ogden: Describing when payment of public assistance benefits by electronic funds transfer is not required. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

MINORITY recommendation: Without recommendation. Signed by Representative Boldt, Republican Vice Chair.

Voting yea: Representatives D. Sommers, Tokuda, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Voting nay: Representative Boldt.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2898 Prime Sponsor, Representative Hurst: Allowing counties the option of creating a single trial court system. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Referred to Committee on Appropriations.

February 3, 2000

HB 2899 Prime Sponsor, Representative Conway: Developing a workplace safety plan for state hospitals. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2903 Prime Sponsor, Representative Delvin: Authorizing sound recordings without prior consent made in conjunction with video recordings from cameras mounted in law enforcement vehicles. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2904 Prime Sponsor, Representative Carlson: Expanding geographic eligibility for the border county higher education opportunity pilot project. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Dunn, Edmonds, Esser and Gombosky. Excused: Representative Radcliff.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2912 Prime Sponsor, Representative Boldt: Requiring the department of social and health services to maintain records on children in state custody who are using psychiatric medications. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2917 Prime Sponsor, Representative Radcliff: Extending the commute trip reduction tax credit. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins,

Republican Vice Chair; Buck; G. Chandler; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Ogden; Pflug; Romero; Schual-Berke; Skinner; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representative Schindler.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Morris, Ogden, Pflug, Romero, Schual-Berke, Skinner, Wood and Woods.

Voting nay: Representatives DeBolt and Schindler.

Excused: Representatives G. Chandler, Murray, Radcliff and Scott.

Referred to the Committee on Appropriations.

February 4, 2000

HB 2923 Prime Sponsor, Representative Crouse: Allowing certain entities to use state-owned aquatic lands for public utility lines. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Delvin; Kastama; McDonald; Morris; Reardon and Thomas.

MINORITY recommendation: Do not pass. Signed by Representatives Poulsen, Democratic Co-Chair; Cooper and Wolfe.

Voting yea: Representatives Crouse, DeBolt, Ruderman, Bush, Delvin, Kastama, McDonald, Reardon and Thomas.

Voting nay: Representatives Poulsen, Cooper and Wolfe.

Excused: Representatives Mielke and Morris.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2929 Prime Sponsor, Representative McDonald: Modifying requirements concerning on-site sewage disposal systems. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Referred to Committee on Appropriations.

February 3, 2000

HB 2931 Prime Sponsor, Representative B. Chandler: Requiring recommendations for continued funding assistance of fairs and youth shows. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Parlette, Regala, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Kessler, Mulliken and Rockefeller.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2934 Prime Sponsor, Representative Koster: Authorizing repair of accessory buildings and structures within the flood plain. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen and Fortunato.

Excused: Representative Fisher.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2939 Prime Sponsor, Representative Linville: Providing guidelines for recycling and waste reduction. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Excused: Representative Fortunato.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2946 Prime Sponsor, Representative Conway: Allowing local planning and zoning of gambling activities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst; McIntire and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair and Lisk.

Voting yea: Representatives Clements, Conway, Wood, Hurst, McIntire and McMorris.
Voting nay: Representatives B. Chandler and Lisk.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2952 Prime Sponsor, Representative Edmonds: Requiring a study of distance education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Dunn, Edmonds, Esser and Gombosky.
Excused: Representative Radcliff.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 2957 Prime Sponsor, Representative Haigh: Providing for principal assessment and support. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Referred to Committee on Appropriations.

February 4, 2000

HB 2963 Prime Sponsor, Representative Ballasiotes: Authorizing agreements for the operation of correctional facilities and programs in any other state. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Koster.

MINORITY recommendation: Do not pass. Signed by Representative Kagi.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine and Koster.

Voting nay: Representative Kagi.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2985 Prime Sponsor, Representative Edwards: Authorizing hearing examiners to issue final decisions regarding final plats of subdivisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen and Fortunato.

Excused: Representative Fisher.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 2993 Prime Sponsor, Representative G. Chandler: Setting fires for fire fighter instruction. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen and Fortunato.

Excused: Representative Fisher.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2994 Prime Sponsor, Representative Parlette: Modifying trust water rights. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2995 Prime Sponsor, Representative G. Chandler: Modifying provisions concerning apiaries.
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Fortunato; Grant; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2997 Prime Sponsor, Representative Linville: Permanently authorizing well delegation. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 2999 Prime Sponsor, Representative G. Chandler: Modifying the Washington state beef commission. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Koster, Republican Vice Chair.

Voting yea: Representatives G. Chandler, Linville, Cooper, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Voting nay: Representative Koster.

Referred to Committee on Appropriations.

February 4, 2000

HB 3005 Prime Sponsor, Representative Grant: Allowing for greater coronary health care in certain rural areas. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 3016 Prime Sponsor, Representative Parlette: Creating a reimbursement system for the state's medical assistance programs in rural hospitals. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Referred to Committee on Appropriations.

February 4, 2000

HB 3028 Prime Sponsor, Representative Mastin: Establishing a program for the recovery of fish runs listed under the federal endangered species act. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by: Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Doumit; Eickmeyer; Ericksen; Pennington and Stensen.

MINORITY recommendation: Do not pass. Signed by: Representative Rockefeller.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington and Stensen.

Voting nay: Representative Rockefeller.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 3029 Prime Sponsor, Representative Mastin: Contracting for family development services. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

February 2, 2000

HB 3032 Prime Sponsor, Representative Mulliken: Extending annexation authority to certain port districts along the Interstate 90 corridor. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen and Fortunato.

Excused: Representative Fisher.

Passed to Rules Committee for Second Reading.

February 4, 2000

HB 3041 Prime Sponsor, Representative Linville: Clarifying agency responsibility for cleaning up contaminated sediments. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 3045 Prime Sponsor, Representative Wood: Clarifying the requirements for a class 1 racing license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, Lisk, McIntire and McMorris.

Passed to Rules Committee for Second Reading.

February 2, 2000

HB 3046 Prime Sponsor, Representative Talcott: Establishing a pilot program for teachers to increase student achievement through instructional leadership. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Referred to Committee on Appropriations.

February 3, 2000

HB 3074 Prime Sponsor, Representative Fisher: Modifying local transportation taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; Haigh; Hatfield; Hurst; Lovick; Murray; Ogden; Romero; Schual-Berke; Skinner; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Republican Vice Chair; DeBolt; Fortunato; Pflug and Schindler.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Hankins, Buck, G. Chandler, Haigh, Hatfield, Hurst, Lovick, Morris, Murray, Ogden, Romero, Scott, Skinner and Wood, .

Voting nay: Representatives Ericksen, DeBolt, Fortunato, McDonald, Pflug and Schindler.

Excused: Representatives Mielke, Radcliff, Schual-Berke and Woods.

Passed to Rules Committee for Second Reading.

February 3, 2000

HB 3101 Prime Sponsor, Representative Lovick: Increasing penalties for driving or physical control while under the influence. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Referred to Committee on Appropriations.

February 3, 2000

HJM 4018 Prime Sponsor, Representative Mulliken: Petitioning the Governor to impose a moratorium on state agencies adopting rules that would create new costs for local governments. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Excused: Representative Mulliken.

Passed to Rules Committee for Second Reading.

February 1, 2000

HJM 4020 Prime Sponsor, Representative Wensman: Requesting parental involvement with the education of special education students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Passed to Rules Committee for Second Reading.

February 4, 2000

HJM 4021 Prime Sponsor, Representative Linville: Requesting Congress to enact certain legislation regarding commercial fertilizer. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 3, 2000

HJM 4022 Prime Sponsor, Representative Delvin: Requesting full funding for a vitrification treatment plant at the Hanford site. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 2, 2000

HJM 4023 Prime Sponsor, Representative Buck: Requesting federal support for Washington's efforts toward salmon recovery. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Clements, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Excused: Representatives G. Chandler and Doumit.

Passed to Rules Committee for Second Reading.

February 2, 2000

HJM 4026 Prime Sponsor, Representative Doumit: Requesting a review of migratory bird predation on salmonid stocks. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Clements, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Excused: Representatives G. Chandler and Doumit.

Passed to Rules Committee for Second Reading.

February 3, 2000

HJR 4214 Prime Sponsor, Representative Lantz: Allowing judges appointed to fill vacancies at least twelve months in office. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Cox; Dickerson; Kastama; Lantz and Lovick.

MINORITY recommendation: Do not pass. Signed by Representatives Lambert, Republican Vice Chair; Esser; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Cox, Dickerson, Kastama, Lantz and Lovick.

Voting nay: Representatives Lambert, Esser, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 2, 2000

HCR 4427 Prime Sponsor, Representative Kenney: Adopting the recommendations of the higher education coordinating board's year 2000 update of the master plan. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

There being no objection, the bills, memorials and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4737, by Representatives Cox, Haigh, Conway, Thomas, Parlette, Pflug, Hankins, Talcott and Wensman

WHEREAS, All citizens should be made aware of the safe, proper, effective, and efficient use of medications; and

WHEREAS, Nearly half of the medicines prescribed in this country are used incorrectly, thus contributing to prolonged illnesses, avoidable side effects, and unnecessary hospitalizations, all of which could be prevented; and

WHEREAS, The efforts of our schools, public agencies, and private pharmacy organizations are instrumental in educating the public about safe and proper medication use; and

WHEREAS, Pharmacists are devoted to improving patient health care in cooperation with other health care providers in community, hospital, managed care, nursing home, home health care, research, and industry settings; and

WHEREAS, Over the past eleven years, national polls have continuously ranked pharmacists as the most highly respected professionals in America;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the high quality, cost-effective health care provided by pharmacists; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the State Board of Pharmacy, the Secretary of the Department of Health, and the President of the Washington State Pharmacists Association.

Representative Cox moved adoption of the resolution.

Representatives Cox, Haigh and Parlette spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4737 was adopted.

HOUSE RESOLUTION NO. 2000-4734, by Representatives B. Chandler, Lisk, Wensman and Hankins

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Prosser High School Mustang Football Team exhibited the highest level of excellence in winning the 1999 Washington State High School Football "3A" Championship; and

WHEREAS, The Prosser High School Mustang Football Team had an outstanding season record being in the WIAA State Playoffs for the thirteenth consecutive year and winning their thirteenth consecutive league championship; and

WHEREAS, The Prosser High School Mustang Football Team has established a state record for the longest winning streak of all time in winning seventy-nine consecutive games in regular season; and

WHEREAS, The Prosser High School Mustang Football Team played in the State Championship Game for the fifth time in the 1990's and won the State Championship for the third time in the 1990's; and

WHEREAS, The Prosser High School Mustang Football Team demonstrated amazing skill and admirable sportsmanship in achieving these outstanding accomplishments; and

WHEREAS, Head Coach Tom Moore and all the players share in the Prosser High School Mustang Football Team's success by combining outstanding coaching with outstanding playing; and

WHEREAS, Head Coach Tom Moore was selected as the Seattle Post-Intelligencer Coach of the Year for his outstanding coaching this season; and

WHEREAS, The GPA of the entire varsity football team combined equaled 2.86; and
WHEREAS, All these extraordinary accomplishments could not have been achieved without the support and encouragement of all the students, cheerleaders, band members, faculty, staff, alumni, families, friends, community members, and fans who backed them all the way; and

WHEREAS, The inspiring individual and team achievements of the 1999 Prosser High School Mustang Football Team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious Prosser High School Mustang Football Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 1999 Prosser High School Mustang Football Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the 1999 Prosser High School Mustang Football Team Head Coach, Tom Moore, Prosser High School Principal, George Holmgren, and Prosser School District Superintendent, Ray Tolcacher.

House Resolution No. 2000-4734 was adopted.

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

There being no objection, the House adjourned until 10:00 a.m., Monday, February 7, 2000, the 29th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWENTY SIXTH DAY, FEBRUARY 4, 2000

JOURNAL OF THE HOUSE

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

TWENTY NINTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 7, 2000

The House was called to order at 9:55 a.m. by Speaker Pro Tempore Ogden

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

MESSAGE FROM THE SENATE

February 4, 1999

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5718,

ENGROSSED SENATE BILL NO. 5816,

and the same are herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTIONS AND FIRST READING

HB 3124 by Representatives H. Sommers, Huff, Kessler, Ballasiotes, O'Brien and Alexander

AN ACT Relating to sentencing of sexually violent predators; amending RCW 9.94A.060, 9.94A.190, 9.94A.370, 9.94A.390, 9.95.900, 9A.28.020, 9A.36.021, 9A.40.030, and 9A.44.100; reenacting and amending RCW 9.94A.030 and 9.94A.120; adding new sections to chapter 9.94A RCW; creating new sections; repealing RCW 9.95.0011; prescribing penalties; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3125 by Representatives Linville, Ericksen, Morris and Quall

AN ACT Relating to a pilot program of assertive community treatment; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Appropriations.

HB 3126 by Representatives Van Luven, O'Brien, Ballasiotes, D. Schmidt, Tokuda, Cairnes, Lovick, Talcott, Kenney, Miloscia, Esser, Keiser, Bush, McIntire, Edwards, Ruderman, McDonald, Carrell, Fortunato and Lambert

AN ACT Relating to motor vehicle fuel tax revenues attributable to certain counties to be spent within those counties; adding new sections to chapter 82.36 RCW; adding a new section to chapter 46.68 RCW; and providing an expiration date.

Referred to Committee on Transportation.

HB 3127 by Representatives Fortunato, Ericksen and Benson

AN ACT Relating to funding state highway improvements; adding new sections to chapter 47.10 RCW; and providing an expiration date.

Referred to Committee on Transportation.

HB 3128 by Representatives Thomas, Dunshee and Santos; by request of Department of Revenue

AN ACT Relating to cooperative agreements between the governor in regard to taxation of cigarettes sold within Indian country; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.24 RCW; and creating a new section.

Referred to Committee on Finance.

SSB 5718 by Senate Committee on State & Local Government (originally sponsored by Senators Gardner, Spanel, Patterson and Haugen)

Specifying how code cities may change the plan of government.

Referred to Committee on Local Government.

ESB 5816 by Senators Haugen, McCaslin, Patterson, Gardner and T. Sheldon

Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

Referred to Committee on Local Government.

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

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

EIGHTH ORDER

There being no objection, the rules were suspended and the Rules Committee was relieved of the following bills and the bills were placed on the Second Reading calendar.

HOUSE BILL NO. 2320,

HOUSE BILL NO. 2321,

HOUSE BILL NO. 2330,
HOUSE BILL NO. 2344,
HOUSE BILL NO. 2353,
HOUSE BILL NO. 2397,
HOUSE BILL NO. 2441,
HOUSE BILL NO. 2449,
HOUSE BILL NO. 2459,
HOUSE BILL NO. 2476,
HOUSE BILL NO. 2477,
HOUSE BILL NO. 2493,
HOUSE BILL NO. 2516,
HOUSE BILL NO. 2519,
HOUSE BILL NO. 2576,
HOUSE BILL NO. 2590,
HOUSE BILL NO. 2600,
HOUSE BILL NO. 2604,
HOUSE BILL NO. 2607,
HOUSE BILL NO. 2628,
HOUSE BILL NO. 2630,
HOUSE BILL NO. 2633,
HOUSE BILL NO. 2650,
HOUSE BILL NO. 2657,
HOUSE BILL NO. 2660,
HOUSE BILL NO. 2662,
HOUSE BILL NO. 2686,
HOUSE BILL NO. 2721,
HOUSE BILL NO. 2772,

HOUSE BILL NO. 2775,

HOUSE BILL NO. 2776,

HOUSE BILL NO. 2868,

HOUSE BILL NO. 2903,

HOUSE BILL NO. 3032,

HOUSE JOINT MEMORIAL NO. 4020,

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

STANDING COMMITTEE REPORTS

February 5, 2000

HB 2460 Prime Sponsor, Representative Gombosky: Addressing economic revitalization. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Boldt and Mastin.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2671 Prime Sponsor, Representative Thomas: Establishing procedures for handling tax billing errors. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 2788 Prime Sponsor, Representative Fisher: Funding transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Morris; Ogden; Pflug; Romero; Schindler; Schual-Berke; Skinner; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representative Mielke.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Morris, Ogden, Pflug, Romero, Schindler, Schual-Berke, Skinner, Wood and Woods.

Voting nay: Representative Mielke.

Excused: Representatives G. Chandler, Murray, Radcliff and Scott.

Passed to Rules Committee for Second Reading.

February 5, 2000

HB 2832 Prime Sponsor, Representative McMorris: Changing eligibility for educational opportunity grants. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; McIntire; McMorris; Mulliken; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Boldt and Mastin.

Passed to Rules Committee for Second Reading.

February 5, 2000

HB 3067 Prime Sponsor, Representative Fisher: Providing service credit for certain members of the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander; Benson; Clements; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representative Mulliken.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert,

Linville, Lisk, McIntire, McMorris, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Voting nay: Representative Mulliken.

Excused: Representatives Boldt and Mastin.

Passed to Rules Committee for Second Reading.

February 1, 2000

HB 3076 Prime Sponsor, Representative G. Chandler: Convening a workshop on streamlining project permit processes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Ogden; Pflug; Schindler; Schual-Berke; Skinner; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representative Romero.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Morris, Ogden, Pflug, Schindler, Schual-Berke, Skinner, Wood and Woods.

Voting nay: Representative Romero.

Excused: Representatives G. Chandler, Murray, Radcliff and Scott.

Passed to Rules Committee for Second Reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 11:00 a.m., Tuesday, February 8, 2000, the 30th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWENTY NINTH DAY, FEBRUARY 7, 2000

JOURNAL OF THE HOUSE

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

THIRTIETH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, February 8, 2000

The House was called to order at 11:00 a.m. by Speaker Pro Tempore Pennington.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Burke and Tony Weist. Prayer was offered by Pastor Duane French, Redwood Hills Church, Woodinville.

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

MESSAGE FROM THE SENATE

February 7, 2000

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5575,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5921,

SENATE BILL NO. 6123,

SUBSTITUTE SENATE BILL NO. 6276,

SUBSTITUTE SENATE BILL NO. 6349,

and the same are herewith transmitted.

Tony M. Cook, Secretary

Speaker Ballard assumed the chair.

INTRODUCTIONS AND FIRST READING

HB 3129 by Representative Sullivan

AN ACT Relating to appealing certain medical examination results; amending RCW 48.22.085; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 3130 by Representative Fortunato

AN ACT Relating to commute trip reduction; and amending RCW 70.94.521, 70.94.527, 70.94.531, 70.94.534, 70.94.541, and 70.94.544.

Referred to Committee on Transportation.

HB 3131 by Representative Benson

AN ACT Relating to local rules and regulations enacted by local boards of health; and amending RCW 70.05.060.

Referred to Committee on Local Government.

HB 3132 by Representatives Delvin, Conway, Wolfe, Doumit and Lambert

AN ACT Relating to annual increases in retirement allowances; and amending RCW 41.40.197 and 41.32.489.

Referred to Committee on Appropriations.

SB 5575 by Senators Haugen, Johnson, Patterson and T. Sheldon; by request of Washington State Patrol

Adding an ex officio member to the building code council.

Referred to Committee on State Government.

ESB 5816 by Senators Haugen, McCaslin, Patterson, Gardner and T. Sheldon

Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

Referred to Committee on Local Government.

ESSB 5921 by Senate Committee on Judiciary (originally sponsored by Senator Kohl-Welles)

Requiring the disclosure of fire protection and building safety information.

Referred to Committee on Economic Development, Housing & Trade.

SB 6123 by Senators B. Sheldon, Wojahn, Swecker, Franklin and Kohl-Welles

Authorizing parking and business improvement areas to sponsor public events.

Referred to Committee on Local Government.

SSB 6276 by Senate Committee on State & Local Government (originally sponsored by Senator Snyder)

Authorizing inclusion of cities and towns within emergency medical service districts.

Referred to Committee on Local Government.

SSB 6349 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Eide, Morton, Swecker, Prentice, Fraser, McAuliffe and Rasmussen)

Extending the expiration date of the water well delegation program.

Referred to Committee on Agriculture & Ecology.

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

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

THIRD READING

MOTION

On motion of Representative Wolfe, Representative Scott was excused.

HOUSE BILL NO. 1383, by Representatives Constantine, Delvin, Lambert, Esser, Linville, Pennington, O'Brien and Ogden

Authorizing local government purchase of liability insurance for law enforcement personnel.

Representative Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1383.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1383 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1383, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1579, by Representatives Quall and Cooper

Clarifying the review process for appeals from decisions of the Washington Interscholastic Activities Association.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1579.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1579 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 1579, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1990, by House Committee on Health Care (originally sponsored by Representatives Cody, Ballasiotes, Schual-Berke, Kenney, Keiser and Veloria; by request of Department of Social and Health Services)

Concerning background checks for certain potential state employees.

Representative Cody spoke in favor of the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1990.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1990 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 1990, having received constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078, by House Committee on Natural Resources (originally sponsored by Representatives Buck, Regala, Eickmeyer and Anderson)

Merging Titles 75 and 77 RCW.

Representatives Buck and Regala spoke in favor of the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2078.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2078 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 2078, having received the constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2320, by Representatives Lantz, Esser, Constantine, Hurst and Ruderman

Authorizing and applying electronic notice and proxies.

The bill was read the second time. There being no objection, Substitute House Bill No. 2320 was substituted for House Bill No. 2320 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2320 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Esser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2320.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2320 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2320, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2321, by Representatives Esser, Lantz, Constantine, Hurst, Ruderman and D. Sommers

Authorizing the transmission of electronic proxy appointments.

The bill was read the second time. There being no objection, Substitute House Bill No. 2321 was substituted for House Bill No. 2321 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2321 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Lantz spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2321.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2321 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2321, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2330, by Representatives McMorris and Scott

Allowing liquor revolving fund disbursements to the death investigations account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris and Doumit spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2330.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2330 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2330, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2333, by Representatives Schual-Berke, Dickerson, Carlson, Hurst and D. Sommers

Clarifying rights and responsibilities of bicyclists.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2333.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2333 and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer,

Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives Cairnes, Dunn, Koster, Lambert and Thomas - 5.

Excused: Representative Scott - 1.

House Bill No. 2333, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2344, by Representatives Huff, McIntire, Linville, Alexander, Kenney and Parlette; by request of Caseload Forecast Council

Authorizing the caseload forecast council to forecast community corrections caseloads.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff and McIntire spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2344.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2344 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2344, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2345, by Representatives O'Brien, Ballasiotes, Ruderman, Hurst and Lovick; by request of Department of Social and Health Services

Authorizing the secretary of the department of social and health services to take all actions necessary to carry out the purposes of the sexually violent predator law.

The bill was read the second time. There being no objection, Substitute House Bill No. 2345 was substituted for House Bill No. 2345 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2345 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2345.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2345 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2345, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2353, by Representatives Wood, Carrell and Hurst; by request of Gambling Commission

Allowing criminal history records to be sent to the Washington state gambling commission.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Carrell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2353.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2353 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken,

Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2353, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2375, by Representatives Lantz, Esser, Carlson, Kenney, Dunn, O'Brien and Haigh

Addressing information technology literacy at baccalaureate institutions of higher education.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Esser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2375.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2375 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Ericksen - 1.

Excused: Representative Scott - 1.

House Bill No. 2375, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2397, by Representatives Scott, Mulliken, Doumit, Mielke, Fisher, Reardon, Edwards, Fortunato, Haigh, Wolfe and Ogden

Revising provisions relating to local government fiscal notes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Mulliken spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2397.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2397 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2397, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2441, by Representatives Wensman, Ogden, Rockefeller, McMorris, Alexander, Regala, Mielke, Doumit, Thomas, Kessler, Hatfield, O'Brien, Lisk, McDonald, Carlson, Conway, Mulliken, Koster, Woods, Talcott, Huff, Radcliff, Wolfe, Ruderman, Edmonds, Pflug, Parlette, Esser, Hurst and Benson; by request of Joint Legislative Audit & Review Committee

Increasing government accountability through the state sunset review process.

The bill was read the second time. There being no objection, Substitute House Bill No. 2441 was substituted for House Bill No. 2441 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2441 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wensman and Ogden spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2441.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2441 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Veloria - 1.

Excused: Representative Scott - 1.

Substitute House Bill No. 2441, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2449, by Representatives Pennington, Constantine and Mitchell

Revising provisions relating to ethics board staff review of ethics complaints.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2449.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2449 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2449, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2459, by Representatives Regala, Parlette and Lantz; by request of Parks and Recreation Commission

Extending the tenure of the winter recreation advisory committee.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala and Parlette spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2459.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2459 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2459, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2476, by Representatives Lambert, Kagi, Dickerson, Hurst, Cox, Carrell, Boldt, D. Sommers, Mulliken, Esser, Stensen, McDonald, Ruderman, Edwards, Keiser and Rockefeller

Investigating deaths of children.

The bill was read the second time. There being no objection, Substitute House Bill No. 2476 was substituted for House Bill No. 2476 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2476 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Kagi spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2476.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2476 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2476, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2477, by Representatives D. Schmidt, Scott, Esser, Mielke, Mulliken, Fisher, O'Brien, Edwards, Doumit, Kastama, Ruderman, Linville, Romero, Lantz, Edmonds, Kenney and Van Luven

Funding the municipal research council.

The bill was read the second time. There being no objection, Substitute House Bill No. 2477 was substituted for House Bill No. 2477 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2477 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmidt and Doumit spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2477.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2477 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2477, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2493, by Representatives Ruderman, Cox, Dunshee, Thomas and Kenney; by request of Department of Revenue

Simplifying implementation of sales and use tax rate changes.

The bill was read the second time. There being no objection, Substitute House Bill No. 2493 was substituted for House Bill No. 2493 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2493 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman and Thomas spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2493.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2493 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Poulsen - 1.

Excused: Representative Scott - 1.

Substitute House Bill No. 2493, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2516, by Representatives Stensen, Cox, Cooper and Thomas; by request of Department of Revenue

Regarding disclosure of information to persons against whom successor tax liability is asserted.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stensen and Thomas spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2516.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2516 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala,

Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2516, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2519, by Representatives Lovick, Fortunato, Dunshee, Thomas, Haigh and Kenney; by request of Department of Revenue

Simplifying the excise tax code.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Fortunato spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2519.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2519 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2519, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2576, by Representatives D. Sommers and Veloria; by request of Department of Licensing

Modifying provisions concerning the registration of business trade names.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Sommers and Conway spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2576.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2576 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2576, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2590, by Representatives Benson and Hatfield; by request of Pollution Liability Insurance Agency

Extending the expiration date on certain pollution liability insurance programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 2590 was substituted for House Bill No. 2590 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2590 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benson and Hatfield spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2590.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2590 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2590, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2600, by Representatives Santos, Bush and Tokuda

Controlling domestic insurance companies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Bush spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2600.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2600 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Miloscia - 1.

Excused: Representative Scott - 1.

House Bill No. 2600, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Santos on the passage through the House of her first bill and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 2604, by Representatives Doumit, Alexander, Wolfe, Delvin, Conway, Carlson, H. Sommers, McDonald, Schoesler, Pflug, Talcott, Clements, Bush, Keiser, Haigh, Rockefeller, Kagi and Hurst; by request of Joint Committee on Pension Policy

Creating additional options for payment of retirement allowances.

The bill was read the second time. There being no objection, Substitute House Bill No. 2604 was substituted for House Bill No. 2604 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2604 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Carlson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2604.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2604 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Mulliken - 1.

Excused: Representative Scott - 1.

Substitute House Bill No. 2604, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2604.

JOYCE MULLIKEN, 13th District

There being no objection, the House deferred action on House Bill No. 2607, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2628, by Representatives Linville and G. Chandler

Modifying prohibitions on colostrum milk.

The bill was read the second time. There being no objection, Substitute House Bill No. 2628 was substituted for House Bill No. 2628 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2628 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Schoesler, Haigh and Cody spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2628.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2628 and the bill passed the House by the following vote: Yeas - 85, Nays - 12, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 85.

Voting nay: Representatives Cody, Dickerson, Edwards, Fisher, Kenney, Murray, Radcliff, Regala, Romero, D. Sommers, Sullivan and Veloria - 12.

Excused: Representative Scott - 1.

Substitute House Bill No. 2628, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2630, by Representatives Schoesler, Mastin, Linville and Anderson; by request of Commissioner of Public Lands

Changing warehouse receipts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2630.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2630 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2630, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2633, by Representatives B. Chandler, O'Brien, McMorris, Wood, Conway, Clements and Hurst

Registering structural engineers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2633 was substituted for House Bill No. 2633 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2633 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Wood spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2633.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2633 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2633, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2650, by Representatives Romero, McMorris, Campbell, Dunshee, Lambert, D. Schmidt, Kenney and Miloscia; by request of Department of General Administration

Simplifying agency to agency transfer of small amounts of personal property.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and McMorris spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2650.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2650 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2650, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2657, by Representatives B. Chandler, Conway, Clements and Wood

Allowing a licensed distiller to hold a spirits, beer, and wine license.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Conway spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2657.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2657 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2657, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2660, by Representatives Huff, H. Sommers, Hatfield and Benson; by request of State Investment Board

Changing record checks for the state investment board.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff and H. Sommers spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2660.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2660 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2660, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2662, by Representatives Haigh, Quall, Talcott, Keiser, Rockefeller and Santos

Studying the feasibility of a central repository of teacher education and experience information.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Talcott spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2662.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2662 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2662, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2686, by Representatives Tokuda and D. Sommers; by request of Department of Social and Health Services

Updating definitions of income and resources.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Tokuda spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2686.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2686 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2686, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2721, by Representatives Morris, Schoesler, Grant, Mastin, Quall, Dunn and Anderson

Changing provisions relating to venue of actions by or against counties.

The bill was read the second time. There being no objection, Substitute House Bill No. 2721 was substituted for House Bill No. 2721 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2721 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Schoesler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2721.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2721 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2721, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2772, by Representatives Hurst, Constantine, Lambert and Edwards

Requiring new courts to report their establishment to the supreme court.

The bill was read the second time. There being no objection, Substitute House Bill No. 2772 was substituted for House Bill No. 2772 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2772 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Esser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2772.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2772 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2772, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2775, by Representatives Lambert, Constantine, Carrell, Hurst, Lantz and Cox

Clarifying requirements for the transfer of cases from commissioners to judges.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2775.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2775 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2775, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2776, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2868, by Representatives Ericksen and Linville

Allowing electronic warehouse receipts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Erickson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2868.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2868 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2868, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2903, by Representatives Delvin, Lovick, B. Chandler, Grant, Hankins, Lisk, Buck, Ballasiotes, O'Brien, Hurst, Talcott and Fortunato

Authorizing sound recordings without prior consent made in conjunction with video recordings from cameras mounted in law enforcement vehicles.

The bill was read the second time. There being no objection, Substitute House Bill No. 2903 was substituted for House Bill No. 2903 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2903 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Delvin and Lovick spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2903.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2903 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2903, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 3032, by Representative Mulliken

Extending annexation authority to certain port districts along the Interstate 90 corridor.

The bill was read the second time. There being no objection, Substitute House Bill No. 3032 was substituted for House Bill No. 3032 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 3032 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Doumit spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 3032.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3032 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 3032, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4020, by Representatives Wensman, Quall, Cox, Keiser, Talcott, Rockefeller, Thomas, Haigh, Carlson, Schindler, D. Schmidt, Sump, Mulliken, Benson, Barlean, H. Sommers, Pennington, Lisk, Dunn, Delvin, McDonald, Schual-Berke, O'Brien and Esser

Requesting parental involvement with the education of special education students.

The bill was read the second time. There being no objection, Substitute House Joint Memorial No. 4020 was substituted for House Joint Memorial No. 4020 and the substitute memorial was placed on the second reading calendar.

Substitute House Joint Memorial No. 4020 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Wensman, Quall and Cox spoke in favor of passage of the memorial.

Speaker Ballard stated the question before the House to be final passage of Substitute House Joint Memorial No. 4020.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4020 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Joint Memorial No. 4020, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2776, by Representatives Constantine, Carrell, Lantz and Hurst

Providing for deferred findings and collection of an administrative fee in an infraction case.

The bill was read the second time. There being no objection, Substitute House Bill No. 2776 was substituted for House Bill No. 2776 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2776 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Carrell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2776.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2776 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2776, having received the constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES

February 8, 2000

HB 2326 Prime Sponsor, Representative Murray: Managing capital facility projects by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden; Schoesler and Woods.

Voting yea: Representatives Alexander, Murray, Edmonds, Esser, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden, Schoesler and Woods.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 2331 Prime Sponsor, Representative Campbell: Adopting a patient bill of rights. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Clements; Cody; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; Regala; Rockefeller; Ruderman; Sullivan and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Huff, Republican Co-Chair; Benson; Boldt; Crouse; McMorris; Mulliken; Parlette; Sump and Wensman.

Voting yea: Representatives H. Sommers, Barlean, Doumit, Schmidt, Alexander, Clements, Cody, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, Regala, Rockefeller, Ruderman, Sullivan and Tokuda.

Voting nay: Representatives Huff, Benson, Boldt, Crouse, McMorris, Mulliken, Parlette, Sump and Wensman.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 2359 Prime Sponsor, Representative Parlette: Concerning the nursing facility payment rate.
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2364 Prime Sponsor, Representative Cody: Eliminating employment barriers for individuals with disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2409 Prime Sponsor, Representative Talcott: Establishing the character education partnership program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Benson; Boldt; McIntire and Mulliken.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.
Voting nay: Representatives Benson, McIntire, and Mulliken.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2415 Prime Sponsor, Representative Quall: Authorizing charter public schools. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Crouse; Gombosky; Grant; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Rockefeller; Ruderman; Sump and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Cody; Kagi; Keiser; Kenney; McIntire; Mulliken; Regala; Sullivan and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Crouse, Gombosky, Grant, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Parlette, Rockefeller, Sump and Wensman.

Voting nay: Representatives Cody, Kagi, Keiser, Kenney, McIntire, Mulliken, Regala, Ruderman, Sullivan and Tokuda.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 2420 Prime Sponsor, Representative Linville: Providing for oil and gas pipeline safety. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 2439 Prime Sponsor, Representative Tokuda: Revising the family reconciliation process. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2451 Prime Sponsor, Representative McDonald: Increasing penalties for crimes involving anhydrous ammonia. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2453 Prime Sponsor, Representative Carrell: Revising the penalties for cheating at gambling. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2454 Prime Sponsor, Representative Edmonds: Providing a program to support family and other unpaid long-term caregivers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by: Representatives Huff, Republican Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 2481 Prime Sponsor, Representative Koster: Requiring predesign review of capital projects to consider leasing space as an alternative. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden; Schoesler and Woods.

Voting yea: Representatives Alexander, Murray, Edmonds, Esser, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden, Schoesler and Woods.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 2491 Prime Sponsor, Representative Schindler: Providing a procedure to conduct DNA testing of evidence for persons sentenced to death or life imprisonment. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for second reading.

February 7, 2000

HB 2506 Prime Sponsor, Representative Fisher: Allowing subagents of the director of the department of licensing to transfer appointments. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Skinner, Wood and Woods.

Excused: Representatives Schual-Berke and Scott.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2508 Prime Sponsor, Representative Kenney: Promoting economic development in Washington by increasing the skills and productivity of workers. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos and Veloria.

Excused: Representative Van Luven.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2552 Prime Sponsor, Representative Dunshee: Creating the public disclosure account. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Reardon, Democratic Vice Chair; Conway; Dickerson; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Republican Vice Chair; Carrell; Cox and Pennington.

Voting yea: Representatives Dunshee, Thomas, Reardon, Conway, Dickerson, Santos and Veloria.

Voting nay: Representatives Cairnes, Carrell, Cox and Pennington.

Excused: Representative Van Luven.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2582 Prime Sponsor, Representative Schindler: Changing provisions relating to the Washington assessment of student learning. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2588 Prime Sponsor, Representative Tokuda: Creating domestic violence fatality review panels. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2608 Prime Sponsor, Representative Alexander: Establishing eligibility for the employee attendance incentive program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert,

Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2637 Prime Sponsor, Representative Tokuda: Requiring background checks on persons who will be in contact with vulnerable adults. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2663 Prime Sponsor, Representative Alexander: Providing for the distribution of atypical antipsychotic medications to underserved populations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representative Boldt.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Voting nay: Representative Boldt.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2672 Prime Sponsor, Representative Radcliff: Creating a telephone solicitation no sales call list. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Benson; Boldt and Mulliken.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Voting nay: Representatives Benson and Mulliken.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 2738 Prime Sponsor, Representative Dickerson: Giving the office of financial management oversight over state agency personal service contracting practices. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2783 Prime Sponsor, Representative Cox: Simplifying the property tax code. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos and Veloria.

Excused: Representative Van Luven.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 2803 Prime Sponsor, Representative Lambert: Allowing private school students and students receiving home-based education to take the Washington assessments of student learning at district expense. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Cody and McIntire.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Voting nay: Representatives Cody and McIntire.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2850 Prime Sponsor, Representative Reardon: Modifying the tax treatment of linen and uniform supply services. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos and Veloria.

Excused: Representative Van Luven.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2863 Prime Sponsor, Representative Cairnes: Establishing insurance coverage provisions for regional transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Pflug; Radcliff; Schindler; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Morris, Murray, Ogden, Pflug, Radcliff, Schindler, Skinner, Wood and Woods.

Excused: Representatives Romero, Schual-Berke and Scott.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2866 Prime Sponsor, Representative Fisher: Ensuring efficient operation of state ferries.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Ogden; Pflug; Radcliff; Romero; Schindler; Skinner; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke; Morris and Murray.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Ogden, Pflug, Radcliff, Schindler, Skinner, Wood and Woods.

Voting nay: Representatives Mielke, Morris and Murray.

Excused: Representatives Romero, Schual-Berke and Scott.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2867 Prime Sponsor, Representative Linville: Defining a "reservoir" to include an underground geological formation. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 2889 Prime Sponsor: Representative Mitchell: Providing funds for the state legislative building renovation. Reported by Committee on Capital Budget.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by: Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Lantz; Mastin; Miloscia; O'Brien and Ogden.

MINORITY recommendation: Do not pass. Signed by: Representatives Koster; Schoesler and Woods.

Voting yea: Representatives Alexander, Murray, Edmonds, Esser, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Lantz, Mastin, Miloscia, O'Brien and Ogden.

Voting nay: Representatives Koster, Schoesler and Woods.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 2920 Prime Sponsor, Representative Dunshee: Exempting community radio stations from property taxation. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Conway; Cox; Dickerson; Pennington; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Carrell.

Voting yea: Representatives Dunshee, Thomas, Reardon, Cairnes, Conway, Cox, Dickerson, Pennington, Santos and Veloria.

Voting nay: Representative Carrell.

Excused: Representative Van Luven.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 2929 Prime Sponsor, Representative McDonald: Modifying requirements concerning on-site sewage disposal systems. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 3016 Prime Sponsor, Representative Parlette: Creating a reimbursement system for the state's medical assistance programs in rural hospitals. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed

by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 3099 Prime Sponsor, Representative Dunshee: Allowing state and local governments to continue to lower their exposure to interest rate fluctuations with respect to financial obligations. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden; Schoesler and Woods.

Voting yea: Representatives Alexander, Murray, Edmonds, Esser, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden, Schoesler and Woods.

Passed to Rules Committee for Second Reading.

February 7, 2000

HB 3102 Prime Sponsor, Representative Fisher: Providing for the renovation of the King street station building in Seattle. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Haigh; Hatfield; Hurst; Lovick; Morris; Murray; Ogden; Radcliff; Skinner; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Fortunato; Mielke and Schindler.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Haigh, Hatfield, Hurst, Lovick, McDonald, Morris, Murray, Ogden, Pflug, Radcliff, Skinner, Wood and Woods.

Voting nay: Representatives Fortunato, Mielke and Schindler.

Excused: Representatives Romero, Schual-Berke and Scott.

Passed to Rules Committee for Second Reading.

February 8, 2000

HB 3124 Prime Sponsor, Representative H. Sommers: Revising sentencing for sexually violent predators. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Passed to Rules Committee for Second Reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:00 a.m., Wednesday, February 9, 2000, the 31st Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

THIRTIETH DAY, FEBRUARY 8, 2000

JOURNAL OF THE HOUSE

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

THIRTY FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 9, 2000

The House was called to order at 9:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joe Williams and Shannon Meader. Prayer was offered by Representative Debbie Regala.

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

MESSAGE FROM THE SENATE

February 8, 2000

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6138,

SENATE BILL NO. 6154,

SUBSTITUTE SENATE BILL NO. 6186,

SUBSTITUTE SENATE BILL NO. 6207,

SUBSTITUTE SENATE BILL NO. 6210,

SUBSTITUTE SENATE BILL NO. 6219,

SENATE BILL NO. 6251,

SENATE BILL NO. 6417,

SUBSTITUTE SENATE BILL NO. 6720,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 8, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6402,

and the same is herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTIONS AND FIRST READING

SB 6138 by Senators Johnson, Heavey and Gardner

Modifying disclaimer of interests under the probate and trust laws.

Referred to Committee on Judiciary.

SB 6154 by Senators Costa, McCaslin, Patterson and Gardner

Allowing county clerks to accept credit cards.

Referred to Committee on Local Government.

SSB 6186 by Senate Committee on Judiciary (originally sponsored by Senators Heavey, Johnson and Gardner)

Revising Article 9 of the Uniform Commercial Code.

Referred to Committee on Judiciary.

SSB 6207 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Costa, Rasmussen, Winsley and Franklin; by request of Department of Social and Health Services)

Authorizing the secretary of the department of social and health services to adopt rules to carry out the purposes of the sexually violent predator law.

Referred to Committee on Criminal Justice & Corrections.

SSB 6210 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, Morton, Eide, Jacobsen, Fairley, Prentice, McAuliffe, Winsley, Franklin, Kline, Spanel and Kohl-Welles)

Making technical and clarifying amendments to oil spill prevention and response statutes.

Referred to Committee on Agriculture & Ecology.

SSB 6219 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen and Morton; by request of Conservation Commission)

Authorizing treasurer services for conservation districts.

Referred to Committee on Agriculture & Ecology.

SB 6251 by Senators Rasmussen, Morton, Swecker and Stevens; by request of Department of Agriculture

Regulating horticultural plants and facilities.

Referred to Committee on Agriculture & Ecology.

ESB 6402 by Senators Fairley, Winsley, Fraser, Goings, Kohl-Welles, McAuliffe, Gardner, Bauer, Costa, Shin, Kline, Franklin, Spanel, Snyder, Prentice, Hargrove, Brown, Patterson, Eide, Wojahn, Thibaudeau, Jacobsen, Rasmussen and B. Sheldon; by request of Governor Locke

Enacting the civil service reform act of 2000.

Referred to Committee on State Government.

SB 6417 by Senators McAuliffe, Eide, Loveland, Patterson, Costa, Prentice, Fraser, Kline, Rasmussen, Brown, Kohl-Welles, Bauer, B. Sheldon, Winsley and Goings

Requiring establishment of a toll-free educational help line.

Referred to Committee on Education.

SSB 6720 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Stevens, Honeyford, Swecker, Loveland and Snyder)

Modifying the Washington state beef commission.

Referred to Committee on Agriculture & Ecology.

MOTION

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

Speaker Chopp called upon Representative Ogden to preside.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4733, by Representatives Veloria, Murray, Kenney, H. Sommers, Tokuda, Santos, Conway, D. Schmidt, Wensman, Thomas, Romero, Regala and Edwards

WHEREAS, It is the policy of the Washington State Legislature to recognize contributions of individuals who reflect the standards of excellence that enhance the well-being and quality of life of the citizens of the State of Washington; and

WHEREAS, It is also the policy of the Washington State Legislature to honor the memory of such individuals; and

WHEREAS, Hazel Wolf devoted her life to protecting the environment and championing human rights, crusading with such drive and exuberance as to leave friends half her age in wonder; and

WHEREAS, Hazel Ann Cummings Anderson was born in Victoria, British Columbia, on March 10, 1898, moved to Washington in 1923, and was finally granted United States citizenship in 1976; and

WHEREAS, Hazel formed twenty-one of the twenty-six Audubon Societies in Washington state, serving as secretary for thirty-seven years, and helped to found the Leningrad Audubon Society in Russia in 1990; and

WHEREAS, Hazel worked to connect Washington's Native American tribes with environmental groups; and

WHEREAS, Hazel earned more than a dozen awards during her lifetime of activism, including the 1997 Audubon Medal for Excellence in Environmental Achievement, the group's highest honor; and

WHEREAS, Hazel Wolf's life spanned parts of three centuries; and

WHEREAS, Hazel continued to travel and lobby elected officials for tougher environmental laws even after her one hundredth birthday; and

WHEREAS, Hazel could disarm her adversaries with her poise and humor, even as she defied authority; and

WHEREAS, Hazel Ann Cummings Anderson Wolf passed away on January 20, 2000, having left an indelible mark in Washington as a tireless advocate for environmental stewardship; and

WHEREAS, Hazel will be remembered as an activist who could not leave an injustice unchallenged;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the memory of and pay tribute to Hazel Wolf for her years of dedicated work on behalf of the environment and human rights in the State of Washington.

Representative Veloria moved adoption of the resolution.

Representatives Veloria, Dickerson, Romero, Kenney and Regala spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4733 was adopted.

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

SECOND READING

HOUSE BILL NO. 1945, by Representatives O'Brien and Koster

Allowing a collection agency to collect a commercial debt.

The bill was read the second time. There being no objection, Substitute House Bill No. 1945 was substituted for House Bill No. 1945 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1945 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Benson spoke in favor of passage of the bill.

Representative Sullivan spoke against passage of the bill.

MOTION

On motion of Representative Wolfe, Representative Scott was excused.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 1945.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1945 and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood and Woods - 83.

Voting nay: Representatives Campbell, Conway, DeBolt, Edwards, Eickmeyer, Mitchell, Morris, Pennington, Radcliff, Reardon, Sullivan, Thomas, Mr. Speaker Ballard and Mr. Speaker Chopp - 14.

Excused: Representative Scott - 1.

Substitute House Bill No. 1945, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2031, by Representatives Ruderman, Dunn, Dickerson, Fortunato, Conway, Boldt, Kessler, Murray, O'Brien, Romero, Cairnes, Ogden, Rockefeller, Linville, Kenney, Edmonds, Schual-Berke, Kagi, Tokuda, McIntire, Keiser, Cooper, Lantz, Santos and Miloscia

Including midwives in women's health care services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman, Pflug and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2031.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2031 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken,

Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2031, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2343, by Representatives Hatfield, Benson and Esser

Allowing the redemption of vehicles by payments from financial institutions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2343 was substituted for House Bill No. 2343 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2343 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hatfield and Benson spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2343.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2343 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2343, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2358, by Representatives Wood, McMorris, Clements, Conway and Radcliff

Allowing charitable organizations to hire vendors to conduct fund raising events.

The bill was read the second time. There being no objection, Substitute House Bill No. 2358 was substituted for House Bill No. 2358 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2358 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and McMorris spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2358.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2358 and the bill passed the House by the following vote: Yeas - 76, Nays - 21, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Boldt, Buck, Campbell, Carlson, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Eickmeyer, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Lovick, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Sullivan, Sump, Thomas, Tokuda, Veloria, Wolfe, Wood, Woods and Mr. Speaker Chopp - 76.

Voting nay: Representatives Anderson, Benson, Bush, Cairnes, Carrell, Crouse, Dunn, Edwards, Ericksen, Esser, Hurst, Koster, Lantz, McDonald, Pennington, Schindler, Stensen, Talcott, Van Luven, Wensman and Mr. Speaker Ballard - 21.

Excused: Representative Scott - 1.

Substitute House Bill No. 2358, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2405, House Bill No. 2410 and House Bill No. 2424, and the bills held their places on the Second Reading calendar.

HOUSE BILL NO. 2456, by Representatives Cairnes, Ballasiotes, Koster, B. Chandler, Talcott, Radcliff, Pflug, Esser and Benson

Increasing seriousness of identity crimes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes, O'Brien, Ballasiotes and Cairnes (again) spoke in favor of passage of the bill.

Representative Kagi spoke against passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2456.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2456 and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 87.

Voting nay: Representatives Cody, Edmonds, Edwards, Fisher, Haigh, Kagi, Murray, Regala, Schual-Berke and Veloria - 10.

Excused: Representative Scott - 1.

House Bill No. 2456, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2462, by Representatives Reardon, Scott, Cooper, Linville, G. Chandler, Stensen, Barlean, Regala, Santos, Rockefeller, Dunshee, Ruderman, Grant, Kessler, Cody, Kenney, Conway, Wolfe, Ogden, Murray, Schual-Berke, Keiser, Edmonds and Hurst

Requiring notification when microbial contamination in untreated water segments exceeds allowable standards and poses a public health risk.

The bill was read the second time. There being no objection, Substitute House Bill No. 2462 was substituted for House Bill No. 2462 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2462 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon and G. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2462.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2462 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2462, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2495, by Representatives Pennington and Benson; by request of Department of Fish and Wildlife

Allowing holders of big and small game hunting licenses to hunt unclassified wildlife.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pennington spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2495.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2495 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2495, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2496, by Representatives Delvin, Wood, Clements, Conway and B. Chandler

Creating an exemption for out-of-state certificate of approval holders that furnish wine or beer to nonprofit charitable organizations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Delvin and Conway spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2496.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2496 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Bush - 1.

Excused: Representative Scott - 1.

House Bill No. 2496, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2513, by Representatives Ballasiotes, O'Brien, Koster and Hurst; by request of Department of Social and Health Services and Department of Corrections

Providing for the release of mental health information under certain circumstances.

The bill was read the second time. There being no objection, Substitute House Bill No. 2513 was substituted for House Bill No. 2513 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2513 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2513.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2513 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2513, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2522, by Representatives Lantz, McDonald, Constantine, Lambert, Dickerson, Barlean, Hurst and Carrell

Modifying court jurisdiction.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Carroll spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2522.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2522 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2522, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2561, House Bill No. 2572 and House Bill No. 2595, and the bills held their places on the Second Reading calendar.

HOUSE BILL NO. 2542, by Representatives Keiser, Talcott, Santos, Radcliff and Rockefeller

Limiting administrative fees that school districts charge alternative educational service providers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2542 was substituted for House Bill No. 2542 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2542 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Keiser and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2542.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2542 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2542, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2599, by Representatives Doumit, Mulliken, Scott, Fisher and Alexander

Promoting the improvement of port district employees.

The bill was read the second time.

There being no objection, the House deferred action on House Bill No. 2599, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2644, by Representatives Delvin, Grant, Hankins, Linville and G. Chandler

Restoring unfinished nuclear power sites.

The bill was read the second time. There being no objection, Substitute House Bill No. 2644 was substituted for House Bill No. 2644 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2644 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Delvin, Linville, Hankins, Cooper, Dunshee and Delvin (again) spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2644.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2644 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2644, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2649, by Representatives Wolfe, Radcliff and Ruderman; by request of Department of Information Services

Granting the department of information services the authority to provide services to nonprofit organizations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2649 was substituted for House Bill No. 2649 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2649 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wolfe and Radcliff spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2649.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2649 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2649, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2667, by Representatives Veloria, Clements, Conway, G. Chandler, Gombosky, Dunn, Cooper, Campbell, Kenney and Buck

Establishing standards for the prompt payment of bills incurred by state government.

The bill was read the second time. There being no objection, Substitute House Bill No. 2667 was substituted for House Bill No. 2667 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2667 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Veloria, Clements and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2667.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2667 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2667, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2670, by Representatives Delvin, Linville, G. Chandler and Hankins

Authorizing the department of ecology to waive the requirement for a reserve account for local governments maintaining landfills.

The bill was read the second time. There being no objection, Substitute House Bill No. 2670 was substituted for House Bill No. 2670 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2670 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Delvin and Linville spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2670.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2670 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Campbell - 1.

Excused: Representative Scott - 1.

Substitute House Bill No. 2670, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2683, by Representatives Conway, Cody, Haigh and O'Brien; by request of Department of Social and Health Services

Protecting patients in state hospitals.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2683.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2683 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2683, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4738, by Representatives Ericksen and Linville

WHEREAS, The Maple Falls Memory Book Committee has created and produced a most outstanding book *Reflections from the Heart of a Small Community, Mount Baker Foothills and Maple Falls Schools 1889-1999 A Collection of Photos and Memories*; and

WHEREAS, The book is truly a gift from the committee and the community, setting a new standard of volunteer efforts for others to follow; and

WHEREAS, They are teaching others how to perform such good works and continuing to archive more of our history;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington congratulate and salute the Maple Falls Memory Book Committee: Laura Jacoby, Dawn Buckenmeyer, Cindy Brown, Gayle Landreth, Danna Beech, and Becky Raney.

There being no objection, House Resolution No. 2000-4738 was adopted.

SECOND READING

HOUSE BILL NO. 2561, by Representatives Rockefeller, Woods, Mulliken, Scott, Lantz, Ogden, Constantine and Haigh

Authorizing the preservation and development of national historic towns outside of urban growth areas.

The bill was read the second time.

Representative Rockefeller moved the adoption of the following amendment (428):

On page 1, beginning on line 7, strike all material through "if:" on line 15, and insert the following:

"Counties that are required or choose to plan under RCW 36.70A.040 may authorize and designate national historic towns that may constitute urban growth outside of urban growth areas as limited by this section. A national historic town means a town or district that has been designated a national historic landmark by the United States secretary of the interior pursuant to 16 U.S.C. 461 et seq., as amended, based on its significant historic urban features, and which historically contained a mix of residential and commercial or industrial uses.

A national historic town may be designated under this chapter by a county only if:"

On page 2, line 9, after "designation" strike "or on July 1, 1990"

Representative(s) Rockefeller and Woods spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller and Woods spoke in favor of passage of the bill.

Representatives Mulliken, Doumit, Romero, Pennington, Thomas, McIntire and Cooper spoke against the passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2561.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2561, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed House Bill No. 2561, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Mastin congratulated Representative Woods on the passage through the House of her first bill and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 2684, by Representatives D. Sommers and Tokuda; by request of Department of Social and Health Services

Clarifying what records are available to the department of social and health services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative D. Sommers spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2684.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2684 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H.

Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representatives Boldt, Dunn and Thomas - 3.

Excused: Representative Scott - 1.

House Bill No. 2684, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2712, by Representatives Lambert, Lovick, Rockefeller, Woods, Haigh, Cox, Ruderman and Fortunato

Changing the elements of the crime of sexual misconduct with a minor.

The bill was read the second time.

There being no objection, amendment 423 was withdrawn.

There being no objection, Substitute House Bill No. 2712 was substituted for House Bill No. 2712 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2712 was read the second time.

Representative Lambert moved the adoption of the following amendment (432):

On page 1, line 13, after "between" strike "a K-12 employee" and insert "a school employee"

On page 1, beginning on line 17, after "involving a" strike "K-12 employee" and insert "school employee"

On page 2, after line 5, insert the following:

"(3) For the purposes of this section, "school employee" means an employee of a common school defined in RCW 28A.150.020 or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW."

On page 2, line 15, after "between" strike "a K-12 employee" and insert "a school employee"

On page 2, beginning on line 19, after "involving a" strike "K-12 employee" and insert "school employee"

On page 2, after line 26, insert the following:

"(3) For the purposes of this section, "school employee" means an employee of a common school defined in RCW 28A.150.020 or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW."

Representative(s) Lambert and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Lovick spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2712.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2712 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 2712, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2719, by Representatives Ericksen, Linville, Sump, Koster, Regala, Lambert, Morris, Eickmeyer, Anderson, Fortunato, Haigh, G. Chandler, Kagi and Rockefeller

Providing immunity for placement of large woody debris into streams.

The bill was read the second time. There being no objection, Substitute House Bill No. 2719 was substituted for House Bill No. 2719 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2719 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericksen, Linville, Anderson and Fortunato spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2719.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2719 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2719, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2722, by Representatives Kenney, Carlson and Esser; by request of University of Washington

Excluding exempt positions from bargaining units of employees of institutions of higher education governed by chapter 41.56 RCW.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Carlson spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2722.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2722 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2722, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2729, by Representatives Clements, Dickerson, Lisk, B. Chandler and Thomas

Requiring disclosure of salaries by contractors performing personal service contracts for state agencies.

The bill was read the second time. There being no objection, Substitute House Bill No. 2729 was substituted for House Bill No. 2729 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2729 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Dickerson spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2729.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2729 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2729, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4739, by Representatives Ericksen, Romero, Esser, Haigh, Lantz, Tokuda, Mielke, Wolfe, Ballard, Barlean, Koster, Wensman, Boldt, DeBolt, Bush, Van Luven, Pennington, Ruderman, Clements, Mastin, Lambert, Linville and Santos

WHEREAS, The Washington State Legislature recognizes excellence, achievement, and conduct in all fields and endeavors; and

WHEREAS, Washington State is known for many outstanding athletic teams and stars; however, there is one sport in particular where the award-winning participants toil in the shadows of more publicized sports; and

WHEREAS, This particular sport warrants recognition because it takes tremendous skill, athleticism, and a certain amount of "horse sense;" and

WHEREAS, Washington State is home to a number of people who pride themselves for their love of horses and equestrian competitions; and

WHEREAS, The athletes here to be recognized use a unique breed of horse in their competitions, known as the Appaloosa; and

WHEREAS, The Appaloosa, one of the finest breeds of horses, has a unique heritage in the Pacific Northwest, dating back to the 1700's when the Nez Perce tribe first recognized the stellar characteristics of this breed and relied exclusively on the Appaloosa; and

WHEREAS, When handled with confidence and expertise, the Appaloosa are a breed apart when it comes to competition, such as dressage, jumping, reining, roping, pleasure, and endurance; and

WHEREAS, These athletes merit distinction for their hard work and dedication to their sport and their achievements in equestrian events, including National and World competitions;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the Washington State Appaloosa riders that earned a

"Championship" or "Reserve Championship" honor from the National Show in Oklahoma City or the World Show in Fort Worth. The honorees include: Corinne Anderson of Acme; Sarah Aron of Preston; Monica Baker of Olympia; Brittney Billow of Bellevue; Carlee Blackburn of Battle Ground; Jim Bluhm of Port Orchard; Linda Chessin of Bellevue; Corianne and Katie Cohee of Roy; Ronald Dillow of Walla Walla; Emily Griswold of Olympia; Valerie Hodson of Selah; John Hume of Roy; Rebecca Kelly of Bellingham; Annie, Erica, and George Lawrence of Seattle; Jill Pasquarella of Seattle; Rohella Shah of Sumner; Rachel and Tamara Sternoff of Redmond; Abigail Sudbery of Bellingham; and April Tomlinson of Issaquah; and

BE IT FURTHER RESOLVED, That we honor these champion horse riders for their hard work, dedication, competitive spirit, and accomplishments.

Representative Ericksen moved the adoption of the resolution.

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

House Resolution No. 2000-4739 was adopted.

HOUSE BILL NO. 2765, by Representatives McIntire, Mulliken, Wensman, Fisher, Ogden and Edwards

Authorizing delegation of authority regarding revenue bonds for port districts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Mulliken spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2765.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2765 and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Constantine, Keiser, Morris, Poulsen, Santos and Schual-Berke - 6.

Excused: Representative Scott - 1.

House Bill No. 2765, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2771, by Representatives Mastin, Grant, Cox and Schoesler

Changing amendments to water rights claims.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mastin and Grant spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2771.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2771 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2771, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2792, by Representatives Haigh, D. Schmidt, Romero, McDonald, Rockefeller and Hurst; by request of Governor Locke

Protecting personal financial information.

The bill was read the second time. There being no objection, Substitute House Bill No. 2792 was substituted for House Bill No. 2792 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2792 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Haigh spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2792.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2792 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2792, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2798, by Representatives Lambert, Campbell, Cody, Parlette, Kagi, Benson and Haigh

Requiring that prescriptions be printed, typed, or computer generated.

The bill was read the second time. There being no objection, Substitute House Bill No. 2798 was substituted for House Bill No. 2798 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2798 was read the second time.

There being no objection, amendment 427 was withdrawn.

Representative Lambert moved the adoption of the following amendment (429):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that we have one of the finest health care systems in the world and excellent professionals to deliver that care. However, there are incidents of medication errors that are avoidable and serious mistakes that are preventable. Medical errors throughout the health care system constitute one of the nation's leading causes of death and injury resulting in over seven thousand deaths a year, according to a recent report from the institute of medicine. The majority of medical errors do not result from individual recklessness, but from basic flaws in the way the health system is organized. There is a need for a comprehensive strategy for government, industry, consumers, and health providers to reduce medical errors. The legislature declares a need to bring about greater safety for patients in this state who depend on prescription drugs.

It is the intent of the legislature to promote medical safety as a top priority for all citizens of our state.

Sec. 2. RCW 69.41.010 and 1998 c 222 s 1 and 1998 c 70 s 2 are each reenacted and amended to read as follows:

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

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

- (3) "Department" means the department of health.
- (4) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.
- (5) "Dispenser" means a practitioner who dispenses.
- (6) "Distribute" means to deliver other than by administering or dispensing a legend drug.
- (7) "Distributor" means a person who distributes.
- (8) "Drug" means:
- (a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;
- (b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;
- (c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and
- (d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.
- (9) "Electronic communication of prescription information" means the communication of prescription information by computer, or the transmission of an exact visual image of a prescription by facsimile, or other electronic means for original prescription information or prescription refill information for a legend drug between an authorized practitioner and a pharmacy or the transfer of prescription information for a legend drug from one pharmacy to another pharmacy.
- (10) "Legend drugs" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.
- (11) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order.
- (12) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based setting specified in RCW 69.41.085 to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. The nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined, in consultation with the individual or the individual's representative, that such medication assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications.
- ~~((12))~~ (13) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
- ~~((13))~~ (14) "Practitioner" means:
- (a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, an osteopathic physician assistant under chapter 18.57A RCW, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, or a pharmacist under chapter 18.64 RCW;
- (b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and
- (c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

~~((14))~~ (15) "Secretary" means the secretary of health or the secretary's designee.

Sec. 3. RCW 69.41.120 and 1990 c 218 s 1 are each amended to read as follows:

Every drug prescription shall contain an instruction on whether or not a therapeutically equivalent generic drug may be substituted in its place, unless substitution is permitted under a prior-consent authorization.

If a written prescription is involved, the prescription must be legible and the form shall have two signature lines at opposite ends on the bottom of the form. Under the line at the right side shall be clearly printed the words "DISPENSE AS WRITTEN". Under the line at the left side shall be clearly printed the words "SUBSTITUTION PERMITTED". The practitioner shall communicate the instructions to the pharmacist by signing the appropriate line. No prescription shall be valid without the signature of the practitioner on one of these lines. In the case of a prescription issued by a practitioner in another state that uses a one-line prescription form or variation thereof, the pharmacist may substitute a therapeutically equivalent generic drug unless otherwise instructed by the practitioner through the use of the words "dispense as written", words of similar meaning, or some other indication.

If an oral prescription is involved, the practitioner or the practitioner's agent shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug may be substituted in its place. The pharmacist shall note the instructions on the file copy of the prescription.

The pharmacist shall note the manufacturer of the drug dispensed on the file copy of a written or oral prescription.

NEW SECTION. **Sec. 4.** A new section is added to chapter 69.41 RCW to read as follows:

(1) In consultation with the board of pharmacy and professional licensing boards of providers with prescribing authority, the department will develop recommendations on methods for reducing medication errors including:

- (a) Increasing prescription legibility;
 - (b) Minimizing confusion in prescription drug labeling and packaging;
 - (c) Developing medication error reporting plans;
 - (d) Encouraging hospitals and health care organizations to implement proven medication safety practices, including the use of automated drug-ordering systems;
 - (e) Reducing confusion created by similar-sounding drug names; and
 - (f) Increasing patient education on the medications they are prescribed.
- (2) The department shall submit its recommendations to the legislature by December 31, 2000.
(3) This section expires June 30, 2001."

Correct the title.

Representative(s) Lambert and Schual-Berke spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Ruderman spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2798.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2798 and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Clements, Cody, Constantine, Conway, Cox, Crouse, DeBolt, Dickerson, Doumit, Edmonds, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Huff, Hurst, Kastama, Keiser, Kenney, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 78.

Voting nay: Representatives Ballasiotes, B. Chandler, G. Chandler, Cooper, Delvin, Dunn, Dunshee, Edwards, Fisher, Hatfield, Kagi, Kessler, Koster, Murray, Poulsen, Regala, Santos, Sump and Wolfe - 19.

Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 2798, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2799, by Representatives Lambert, Hurst, Kagi, Benson, Lovick and Pflug

Granting state-wide warrant jurisdiction to courts of limited jurisdiction.

The bill was read the second time. There being no objection, Substitute House Bill No. 2799 was substituted for House Bill No. 2799 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2799 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert, Constantine and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2799.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2799 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2799, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2807, by Representatives Kagi, Boldt, Wolfe, Ruderman, D. Sommers, Tokuda, Lovick, Kenney and Santos

Authorizing blended funding projects for youth.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and D. Sommers spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2807.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2807 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2807, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2819, by Representatives B. Chandler, Lisk, G. Chandler and Skinner

Clarifying the number of landowners needed on petitions to merge minor irrigation districts into other special purpose districts.

The bill was read the second time. There being no objection, Substitute House Bill No. 2819 was substituted for House Bill No. 2819 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2819 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2819.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2819 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2819, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2846, by Representatives Benson, Hatfield, Sullivan, DeBolt, Barlean, Cairnes, Quall, McIntire and Delvin

Providing certain notices to agents or brokers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2846 was substituted for House Bill No. 2846 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2846 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benson and Hatfield spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2846.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2846 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2846, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2847, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2904, by Representatives Carlson and Kenney

Expanding geographic eligibility for the border county higher education opportunity pilot project.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Kenney spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2904.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2904 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2904, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2912, by Representatives Boldt and Clements

Requiring the department of social and health services to maintain records on children in state custody who are using psychiatric medications.

The bill was read the second time. There being no objection, Substitute House Bill No. 2912 was substituted for House Bill No. 2912 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2912 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boldt, Tokuda and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2912.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2912 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2912, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2926, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2931, by Representatives B. Chandler, Stensen, Cox, Schoesler, Wolfe, Grant, Mastin, Kessler, Linville, Doumit, Mulliken, Benson, Alexander, McMorris, Koster, Van Luven, Boldt, McDonald, Regala, Ogden, G. Chandler, Skinner and Haigh

Requiring recommendations for continued funding assistance of fairs and youth shows.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Stensen spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2931.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2931 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2931, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2934 and House Bill No. 2939, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2952, by Representatives Edmonds, Kenney, Gombosky, Esser, Lantz, Pflug, Veloria, Edwards and Santos

Requiring a study of distance education.

The bill was read the second time.

Representative Edmonds moved the adoption of the following amendment (422):

On page 2, line 4, after "on" strike "instructional support," and insert "instruction and faculty, as well as"

Representative Edmonds spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edmonds and Carlson spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2952.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2952, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed House Bill No. 2952, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2985, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2993, by Representatives G. Chandler and Cooper

Setting fires for fire fighter instruction.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler, Cooper and Pennington spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2993.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2993 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2993, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2994, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 3005, by Representatives Grant, Mastin, Keiser and Santos

Allowing for greater coronary health care in certain rural areas.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant and Parlette spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 3005.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3005 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 3005, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 3028, by Representatives Mastin and Grant

Establishing a program for the recovery of fish runs listed under the federal endangered species act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mastin and Grant spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 3028.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3028 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 3028, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 3041, and the bill held its place on the Second Reading calendar.

HOUSE CONCURRENT RESOLUTION NO. 4407, by Representatives Murray, Mitchell, Edmonds, Esser and Carlson

Establishing a joint select committee on the future facility needs of higher education.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representatives Murray and Alexander spoke in favor of passage of the resolution.

The Speaker (Representative Ogden presiding) stated the question before the House to be final adoption of House Joint Resolution No. 4407.

House Joint Resolution No. 4407 was adopted.

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

REPORTS OF STANDING COMMITTEES

There being no objection, House Bill No. 2755 and House Bill No. 2923, listed on the Standing Committee Report for February 4, 2000, the 26th Day, were referred to the Rules Committee.

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

EIGHTH ORDER

There being no objection, and the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar.

HOUSE BILL NO. 2060,	HOUSE BILL NO. 2460,	HOUSE BILL NO. 2637,
HOUSE BILL NO. 2334,	HOUSE BILL NO. 2466,	HOUSE BILL NO. 2663,
HOUSE BILL NO. 2341,	HOUSE BILL NO. 2498,	HOUSE BILL NO. 2672,
HOUSE BILL NO. 2342,	HOUSE BILL NO. 2515,	HOUSE BILL NO. 2678,
HOUSE BILL NO. 2364,	HOUSE BILL NO. 2528,	HOUSE BILL NO. 2685,
HOUSE BILL NO. 2367,	HOUSE BILL NO. 2531,	HOUSE BILL NO. 2713,
HOUSE BILL NO. 2369,	HOUSE BILL NO. 2535,	HOUSE BILL NO. 2766,
HOUSE BILL NO. 2372,	HOUSE BILL NO. 2536,	HOUSE BILL NO. 2767,
HOUSE BILL NO. 2380,	HOUSE BILL NO. 2565,	HOUSE BILL NO. 2774,
HOUSE BILL NO. 2383,	HOUSE BILL NO. 2579,	HOUSE BILL NO. 2851,
HOUSE BILL NO. 2392,	HOUSE BILL NO. 2582,	HOUSE BILL NO. 2863,
HOUSE BILL NO. 2396,	HOUSE BILL NO. 2587,	HOUSE BILL NO. 2873,
HOUSE BILL NO. 2403,	HOUSE BILL NO. 2588,	HOUSE BILL NO. 2881,
HOUSE BILL NO. 2409,	HOUSE BILL NO. 2589,	HOUSE JOINT MEMORIAL NO. 4018,
HOUSE BILL NO. 2451,	HOUSE BILL NO. 2612,	HOUSE JOINT MEMORIAL NO. 4022,
HOUSE BILL NO. 2453,	HOUSE BILL NO. 2614,	HOUSE JOINT MEMORIAL NO. 4023,

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

There being no objection, the House adjourned until 9:00 a.m., Thursday, February 10, 2000, the 32nd Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

THIRTY FIRST DAY, FEBRUARY 9, 2000

JOURNAL OF THE HOUSE

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

THIRTY SECOND DAY

MORNING SESSION

House Chamber, Olympia, Thursday, February 10, 2000

The House was called to order at 9:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Leanne Larkin and Robert Doane. Prayer was offered by Pastor Joe Fuiten, Cedar Park Assembly of God, Bothell.

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

MESSAGES FROM THE SENATE

February 9, 2000

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 5580, and the same is herewith transmitted.

Tony M. Cook, Secretary

February 9, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5152,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5212,

SENATE BILL NO. 5291,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5295,

SUBSTITUTE SENATE BILL NO. 5366,
SUBSTITUTE SENATE BILL NO. 5408,
SUBSTITUTE SENATE BILL NO. 5453,
SENATE BILL NO. 5570,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5610,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5611,
SENATE BILL NO. 5920,
SENATE BILL NO. 6010,
SENATE BILL NO. 6037,
SUBSTITUTE SENATE BILL NO. 6117,
SENATE BILL NO. 6121,
SENATE BILL NO. 6139,
SENATE BILL NO. 6140,
SENATE BILL NO. 6168,
SENATE BILL NO. 6172,
SENATE BILL NO. 6190,
SUBSTITUTE SENATE BILL NO. 6213,
SUBSTITUTE SENATE BILL NO. 6233,
SUBSTITUTE SENATE BILL NO. 6273,
SENATE BILL NO. 6274,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6277,
SENATE BILL NO. 6280,
SUBSTITUTE SENATE BILL NO. 6292,
SENATE BILL NO. 6307,
SUBSTITUTE SENATE BILL NO. 6310,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6416,
ENGROSSED SENATE BILL NO. 6448,

SENATE BILL NO. 6463,
SUBSTITUTE SENATE BILL NO. 6464,
SENATE BILL NO. 6547,
SUBSTITUTE SENATE BILL NO. 6724,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017,
SENATE JOINT MEMORIAL NO. 8020,
ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8422,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 9, 2000

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337, and the same is herewith transmitted.

Tony M. Cook, Secretary

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

SECOND READING

MOTIONS

On motion of Representative Wolfe, Representatives Sullivan and Scott were excused. On motion of Representative Schoesler, Representative Campbell was excused. On motion of Representative Wolfe, Representatives McIntire, Murray, Hurst and Wood were excused.

HOUSE BILL NO. 2617, by Representatives Radcliff and Morris

Studying excursion cruise services.

The bill was read the second time. There being no objection, Substitute House Bill No. 2617 was substituted for House Bill No. 2617 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2617 was read the second time.

Representative Morris moved the adoption of the following amendment (430):

On page 1, after line 9, insert the following:

"NEW SECTION. Sec. 1. As part of the work of the legislative transportation committee task force on the utilities and transportation committee, the task force shall review vessel service conveying persons, excursion classification, and general issues regarding the distinction of the two classifications.

To the greatest degree possible, the task force shall encourage input from interested or affected parties, and consider the impact of various regulatory classifications on tourism and trade."

Correct the title.

Representative Morris spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Radcliff and Morris spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2617.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2617 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Excused: Representatives Campbell, Hurst, McIntire, Murray, Scott, Sullivan and Wood - 7.

Engrossed Substitute House Bill No. 2617, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2595, by Representatives Ogden, Lovick, Hankins, Radcliff, Mitchell and Kagi

Authorizing entry of protection order information in the judicial information system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2595.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2595 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Excused: Representatives Campbell, McIntire, Murray, Scott and Sullivan - 5.

House Bill No. 2595, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2939, by Representatives Linville and G. Chandler

Providing guidelines for recycling and waste reduction.

The bill was read the second time. There being no objection, Substitute House Bill No. 2939 was substituted for House Bill No. 2939 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2939 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and G. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2939.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2939 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives McIntire, Scott and Sullivan - 3.

Substitute House Bill No. 2939, having received the constitutional majority, was declared passed.

Speaker Ballard assumed the chair.

HOUSE BILL NO. 2341, by Representatives O'Brien, Ballasiotes, Hurst and Kenney; by request of Sentencing Guidelines Commission

Specifying community custody ranges.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2341.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2341 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2341, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2342, by Representatives Wensman, Ruderman, Thomas, Linville, Hurst, Conway, Parlette, Huff and Esser

Requiring the office of financial management to compile an annual report of all state taxes and fees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wensman and Ruderman spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2342.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2342 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2342, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2364, by Representatives Cody, Carlson, Edmonds, Parlette, Edwards, Kastama, Conway, Schual-Berke, Kagi, Kenney, Tokuda, Murray, Ogden, Ruderman, McDonald, Stensen, Van Luven, Lovick, Veloria, Poulsen, Wood, Kessler, Regala, Reardon, Cooper, Anderson and Santos

Eliminating employment barriers for individuals with disabilities.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2364 was substituted for House Bill No. 2364 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2364 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Parlette and Fortunato spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 2364.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2364 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Second Substitute House Bill No. 2364, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2367, by Representatives Kenney, Carlson, Tokuda, Edmonds, Lovick, Stensen, Lantz, Veloria, Doumit, Dickerson, Kagi, Murray, Wolfe, Ogden, Schual-Berke, Kessler, Regala and Santos

Including higher education programs in the work activity definition.

The bill was read the second time. There being no objection, Substitute House Bill No. 2367 was substituted for House Bill No. 2367 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2367 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney, Carlson and D. Sommers spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2367.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2367 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2367, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2372, by Representatives Kagi, D. Sommers, Carrell, Cody, Edwards, Kenney, Wolfe, Lovick and Schual-Berke

Regulating detention of children within secure facilities.

The bill was read the second time. There being no objection, Substitute House Bill No. 2372 was substituted for House Bill No. 2372 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2372 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi, D. Sommers and Carrell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2372.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2372 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2372, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2383, by Representatives Regala, G. Chandler, Anderson, Linville, Fisher, Scott, Kenney, Lovick, Haigh, Lantz, Wood, Santos, Edmonds and Ogden

Creating the aquatic nuisance species committee.

The bill was read the second time. There being no objection, Substitute House Bill No. 2383 was substituted for House Bill No. 2383 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2383 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala and Buck spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2383.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2383 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2383, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2392, by Representatives Doumit, Mulliken, Scott, Mielke, Miloscia, Hatfield, Fortunato, Fisher, Kenney, Edwards and Wolfe

Creating the joint task force on local governments.

The bill was read the second time. There being no objection, Substitute House Bill No. 2392 was substituted for House Bill No. 2392 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2392 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

There being no objection, the House deferred action on Substitute House Bill No. 2392, and the bill held its place on the Third Reading calendar.

HOUSE BILL NO. 2453, by Representatives Carrell, Constantine, Kastama, Esser, Wood, Schoesler and Eickmeyer; by request of Gambling Commission

Revising the penalties for cheating at gambling.

The bill was read the second time. There being no objection, Substitute House Bill No. 2453 was substituted for House Bill No. 2453 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2453 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien, Carrell and Lisk spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2453.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2453 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala,

Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2453, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2460, by Representatives Gombosky, D. Sommers, Veloria, Lovick, Kessler, Kenney, Conway, Ogden, Murray, Schual-Berke, Stensen, Edmonds, Santos, Lantz, Linville, Wood and Benson

Addressing economic revitalization.

The bill was read the second time. There being no objection, Substitute House Bill No. 2460 was substituted for House Bill No. 2460 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2460 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky and Van Luven spoke in favor of passage of the bill.

Representatives Eickmeyer, Pennington, Cooper and Ruderman spoke against the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2460.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2460 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative DeBolt - 1.

Excused: Representative Scott - 1.

Substitute House Bill No. 2460, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Gombosky on the passage through the House of his first bill and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 2498, by Representatives O'Brien and Ballasiotes; by request of Department of Social and Health Services

Revising sanctions for violating conditions of the juvenile offender basic training camp program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2498.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2498 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2498, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2528, by Representatives Cairnes, Cooper, G. Chandler, Dunshee, Tokuda, Linville, Stensen, Lovick, Esser, Kenney, Barlean, Constantine, Murray and Keiser

Regulating capacity charges for sewage facilities by metropolitan municipal corporations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2528 was substituted for House Bill No. 2528 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2528 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Cooper spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2528.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2528 and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 1, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods and Mr. Speaker Chopp - 88.

Voting nay: Representatives Alexander, Benson, Crouse, DeBolt, Fortunato, Schindler, Schoesler and Sullivan - 8.

Absent: Representative Mr. Speaker Ballard - 1.

Excused: Representative Scott - 1.

Substitute House Bill No. 2528, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 2528.

CLYDE BALLARD, 12th District

HOUSE BILL NO. 2572, by Representatives Pennington, Doumit, Delvin, Mielke, Hatfield, Schoesler, Clements, Boldt, DeBolt, Hurst, Kagi, G. Chandler, Dunn, Mulliken, Thomas, D. Schmidt, B. Chandler, Pflug, Talcott, Edmonds, Ruderman, Eickmeyer, Sullivan, Rockefeller, Wolfe and Woods

Defining "motorcycle helmet."

The bill was read the second time. There being no objection, Substitute House Bill No. 2572 was substituted for House Bill No. 2572 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2572 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington, Doumit, DeBolt, Cooper, Hatfield, Carrell and Pennington (again) spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2572.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2572 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2572, having received the constitutional majority, was declared passed.

Speaker Ballard called upon Representative Pennington to preside.

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

THIRD READING

MOTION

On motion of Representative Wolfe, Representative Kastama was excused.

SUBSTITUTE HOUSE BILL NO. 2392, by Committee on Local Government (Originally sponsored by Representatives Doumit, Mulliken, Scott, Mielke, Miloscia, Hatfield, Fortunato, Fisher, Kenney, Edwards and Wolfe)

Creating the joint task force on local governments.

Representatives Doumit and Mulliken spoke in favor of the passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2392.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2392 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and Scott - 2.

Substitute House Bill No. 2392, having received the constitutional majority, was declared passed.

There being to objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2531, by Representatives Doumit, Huff, Morris, Schoesler, Linville, Cox, Grant, Haigh, Anderson, McMorris, Quall, Mulliken, Murray, Talcott, Ruderman, Mastin, Schindler, Lambert, Reardon, Hatfield, Kenney, Carlson, Alexander, D. Schmidt, Lovick, Mitchell, Keiser, Stensen and Rockefeller

Providing statutory support for career and technical student organizations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit, Schoesler, Quall and Huff spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2531.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2531 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and Scott - 2.

House Bill No. 2531, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2535, by Representatives Miloscia, D. Schmidt, Ogden, Voloria and Haigh

Facilitating payments to subcontractors on design-build projects.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2535.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2535 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and Scott - 2.

House Bill No. 2535, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2536, by Representatives Miloscia, D. Schmidt and Haigh

Concerning the general contractor/construction manager procedure of public works contracting.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2536.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2536 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and Scott - 2.

House Bill No. 2536, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2565, by Representatives Poulsen, Crouse, Morris, Cooper, Radcliff, Ruderman, Reardon, Linville, Conway, Schual-Berke, Kenney, Keiser, Santos and O'Brien

Providing for disclosure to consumers regarding the characteristics associated with their electric energy product.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Technology, Telecommunications & Energy were adopted. (For committee amendments, see Journal, 26th Day, February 4, 2000.)

Representative G. Chandler moved the adoption of the following amendment (447):

On page 8, line 5 insert

"NEW SECTION. Sec. 5. Electric utilities are required to provide an adequate disclosure of costs attributable to salmon restoration and recovery and other environmental costs. Utilities shall disclose these costs to the customer on a monthly basis, and include the following information:

- (1) The amount, to the nearest whole dollar, of the customer's monthly utility bill that is attributable to salmon restoration and recovery and other environmental costs; and
- (2) An explanation in the customer's utility bill, on at least an annual basis, of the method used to calculate the costs attributable to salmon restoration and recovery and other environmental costs."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives G. Chandler, DeBolt, Schoesler and G. Chandler (again) spoke in favor of the adoption of the amendment.

Representatives Poulsen, Anderson, Cooper and Poulsen (again) spoke against the adoption of the amendment.

Division was demanded. The Speaker (Representative Pennington presiding) divided the House. The results of the division was 49-YEAS; 47-NAYS. Having failed to receive the constitutional majority, the amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Poulsen and Crouse spoke in favor of passage of the bill.

There being no objection, the House deferred action on Engrossed House Bill No. 2565, and the bill held its place on the Third Reading calendar.

HOUSE BILL NO. 2579, by Representatives Lambert and Dickerson; by request of Department of Social and Health Services

Making technical corrections to the implementation of the federal personal responsibility and work opportunity reconciliation act of 1996.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lambert spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2579.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2579 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kastama and Scott - 2.

House Bill No. 2579, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2582, by Sponsored by Representatives Schindler, Koster, Cox, Lambert, Talcott, Carrell and Wensman

Changing provisions relating to the Washington assessment of student learning.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2582 was substituted for Substitute House Bill No. 2582 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2582 was read the second time.

Representative Schindler moved the adoption of the following amendment (451):

On page 2, line 17, after "to" insert "the student,"

On page 2, line 18, after "guardian" insert " ,"

On page 3, line 18, after "to" insert "the student,"

On page 3, line 19, after "guardian" insert " ,"

Representative Schindler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schindler spoke in favor of passage of the bill.

There being no objection, the House deferred action on Engrossed Second Substitute House Bill No. 2582, and the bill held its place on the Third Reading calendar.

HOUSE BILL NO. 2587, by Representatives Kagi and Lambert; by request of Attorney General

Modifying ballot title laws.

The bill was read the second time. There being no objection, Substitute House Bill No. 2587 was substituted for House Bill No. 2587 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2587 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Lambert spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2587.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2587 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2587, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2607, by Representatives Delvin, H. Sommers, Lambert, Alexander, Doumit, Carlson, Schoesler, Pflug, Talcott, Clements, Ruderman, Wolfe, Bush, Morris and Rockefeller; by request of Joint Committee on Pension Policy

Decreasing the employee contribution rate for the Washington state patrol retirement system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Delvin, H. Sommers, Conway and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2607.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2607 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2607, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1711, by Representatives Campbell, Cody, Boldt and Parlette

Concerning the public disclosure of department of health information received through the hospital licensing process.

The bill was read the second time.

Representative Campbell moved the adoption of the following amendment (439):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.41.150 and 1985 c 213 s 24 are each amended to read as follows:

Information received by the department through filed reports, inspection, or as otherwise authorized under this chapter, ~~((shall not))~~ may be disclosed publicly ~~((in such manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure. Such records of the department shall at all times be available to the council and the members thereof)),~~ as permitted under chapter 42.17 RCW, subject to the following provisions:

(1) Licensing inspections, or complaint investigations regardless of findings, shall, as requested, be disclosed no sooner than three business days after the hospital has received the resulting assessment report;

(2) Information regarding administrative action against the license shall, as requested, be disclosed after the hospital has received the documents initiating the administrative action;

(3) Information about complaints that did not warrant an investigation shall not be disclosed except to notify the hospital and the complainant that the complaint did not warrant an investigation. If requested, the individual complainant shall receive information on other like complaints that have been reported against the hospital; and

(4) Information disclosed pursuant to this section shall not disclose individual names.

NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW to read as follows:
Any complaint against a hospital and event notification required by the department that concerns patient well-being shall be investigated.

Sec. 3. RCW 70.41.200 and 1994 sp.s. c 9 s 742 are each amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ~~((insure))~~ ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical

records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 4. A new section is added to chapter 70.41 RCW to read as follows:
Every hospital shall post in conspicuous locations a notice of the department's hospital complaint toll-free telephone number. The form of the notice shall be approved by the department.

Sec. 5. RCW 42.17.310 and 1999 c 326 s 3, 1999 c 290 s 1, and 1999 c 215 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale

appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this

information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public

transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 6. A new section is added to chapter 70.41 RCW to read as follows:
The department is authorized to adopt rules necessary to implement sections 1, 2, and 4 of this act."

Correct the title.

Representatives Campbell and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1711.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1711, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed House Bill No. 1711, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2410, by Representatives Lovick, Bush, McIntire, O'Brien, Keiser, Edwards, Reardon, Haigh, Schual-Berke, Scott, Stensen, Rockefeller, Kenney, Thomas, Morris, Wood, Regala, Hurst, Ogden, Ruderman and Kagi

Protecting credit card users.

The bill was read the second time. There being no objection, Substitute House Bill No. 2410 was substituted for House Bill No. 2410 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2410 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick, Bush and McIntire spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2410.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2410 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2410, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2424, by Representatives Ballasiotes and O'Brien; by request of Department of Community, Trade, and Economic Development and Department of Corrections

Changing provisions to comply with federal standards for monitoring sex offenders.

The bill was read the second time.

Representative Ruderman moved the adoption of the following amendment (450):

On page 2, line 35, after "~~kidnapping~~" strike "~~offense~~): Such" and insert "~~offense~~:) such"

On page 2, line 37, after "(3)" strike "or (4)" and insert "~~(or (4))~~"

On page 3, beginning on line 31, after "factors." strike "Except as provided in subsection (4) of this section, the" and insert "~~(Except as provided in subsection (4) of this section,)~~ The"

On page 4, line 13, after "factors." insert the following:

"(a)"

On page 4, line 18, after "72.09.330." insert the following:

"(b)"

On page 4, line 21, after "petitioner" strike "(a)" and insert "~~((a))~~ (i)"

On page 4, line 23, after "months" strike "following the adjudication" and insert "~~((following the adjudication))~~ after completion of the petitioner's supervision by the department of social and health services or the petitioner's local community supervision"

On page 4, line 24, after ", and" strike "(b)" and insert "~~((b))~~ (ii)"

Representatives Ruderman and Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2424.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2424, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed House Bill No. 2424, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2926, by Representatives DeBolt, Crouse, Alexander, Thomas, Kessler, Murray, Bush and Wolfe

Repealing certain coal tax exemptions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives DeBolt, Morris and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2926.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2926 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Gombosky - 1.

Excused: Representative Scott - 1.

House Bill No. 2926, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2934, by Representative Koster

Authorizing repair of accessory buildings and structures within the flood plain.

The bill was read the second time. There being no objection, Substitute House Bill No. 2934 was substituted for House Bill No. 2934 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2934 was read the second time.

Representative Koster moved the adoption of the following amendment (438):

On page 3, beginning with line 20, strike all material through line 32 and insert the following:
"(~~5~~) For all (~~other~~) substantially damaged residential structures other than farmhouses that are located in a designated floodway~~((and substantially damaged by flooding or flood-related erosion))~~, the department, at the request of the town, city, or county with land use authority over the structure, is authorized to assess the risk of harm to life and property posed by the specific conditions of the floodway, and, based upon scientific analysis of depth, velocity, and flood-related erosion, may exercise best professional judgment in recommending to the permitting authority, repair, replacement, or relocation of such damaged structures. The effect of the department's recommendation, with the town, city, or county's concurrence, to allow repair or replacement of a substantially (~~(flood-)~~)damaged (~~(residence)~~) residential structure within the designated floodway is a waiver of the floodway prohibition."

Representatives Koster and Doumit spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Koster and Doumit spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2934.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2934 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 2934, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2985, by Representatives Edwards, Fortunato, Scott and Doumit

Authorizing hearing examiners to issue final decisions regarding final plats of subdivisions.

The bill was read the second time.

Representative Hankins moved the adoption of the following amendment (441):

On page 1, at the beginning of line 7 insert the following:

"**Sec. 1.** RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each amended to read as follows:

(1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

(3) The legislative body of a city, town, or county may by ordinance exempt short plats or short subdivisions from the requirements in subsection (1) of this section in which the division is for the purpose of establishing a site solely used for an uninhabited public or private utility or telecommunications facility, provided a record survey is recorded per chapter 58.09 RCW."

Renumber the remaining sections consecutively and correct internal references accordingly.
Correct the title.

Representatives Hankins and Doumit spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edwards and Fortunato spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2985.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2985, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed House Bill No. 2985, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2334, by Representatives Gombosky, DeBolt and Poulsen

Changing electricity definitions.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Technology, Telecommunications and Energy were adopted. (For committee amendments, see Journal, 26th Day, February 4, 2000.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2334.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2334, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives Delvin and Thomas - 2.

Excused: Representative Scott - 1.

Engrossed House Bill No. 2334, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2396, by Representatives Mulliken, Doumit, Schoesler, Hatfield, Cox, Scott, G. Chandler and Edwards

Modifying provisions that exempt certain municipal officers from the prohibitions on beneficial interests in contracts.

The bill was read the second time.

Representative Mulliken moved the adoption of the following amendment (449):

On page 2, line 29, after "more" insert "in a rural county,"

On page 2, line 30, after "acres." insert "For the purposes of this subsection, "rural county" has the same meaning as in RCW 82.14.370(5)."

Representatives Mulliken and Doumit spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Doumit spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2396.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2396, and the bill passed the House by the following vote: Yeas - 80, Nays - 17, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Kastama, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Ruderman, Santos, Schindler, Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Vloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 80.

Voting nay: Representatives Constantine, Conway, Cooper, Dickerson, Dunshee, Eickmeyer, Fisher, Hurst, Keiser, Kenney, O'Brien, Reardon, Regala, Rockefeller, Romero, Schual-Berke and Stensen - 17.

Excused: Representative Scott - 1.

Engrossed House Bill No. 2396, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2409, by Representatives Talcott, Stensen, Carlson, Rockefeller, Quall, Santos, Haigh, O'Brien, Veloria, Keiser, D. Schmidt, Thomas, D. Sommers, McDonald, Lantz, Hurst, Skinner, Ruderman and Esser

Establishing the character education partnership program.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2409 was substituted for Substitute House Bill No. 2409 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2409 was read the second time.

Representative Talcott moved the adoption of the following amendment (446):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that academic success rests on a foundation of character. The legislature further finds that parents are the first and primary moral educators of children, and that schools have a role in reinforcing the character traits and values deemed important by parents and the local community. The legislature further finds that when character education is integrated into a school's curriculum there is a decline of incidences involving violence, bullying, and harassment. The legislature intends to encourage school districts to integrate character education into each school's curriculum. The legislature further intends that local communities, in partnership with schools or school districts, will have the responsibility for determining which character traits and values are included in each district or school's character education program.

Sec. 2. RCW 28A.150.211 and 1994 c 245 s 10 are each amended to read as follows:

(1) The legislature also recognizes that certain basic values and character traits are essential to individual liberty, fulfillment, and happiness. However, these values and traits are not intended to be assessed or be standards for graduation. The legislature intends that local communities have the responsibility for determining how these values and character traits are learned as determined by consensus at the local level. These values and traits include the importance of:

- ~~((1))~~ (a) Honesty, integrity, and trust;
- ~~((2))~~ (b) Respect for self and others;
- ~~((3))~~ (c) Responsibility for personal actions and commitments;
- ~~((4))~~ (d) Self-discipline and moderation;
- ~~((5))~~ (e) Diligence and a positive work ethic;
- ~~((6))~~ (f) Respect for law and authority;
- ~~((7))~~ (g) Healthy and positive behavior; and
- ~~((8))~~ (h) Family as the basis of society.

(2) Each school district is strongly encouraged to develop and implement a character education program that incorporates into its curriculum the character traits and values included in subsection (1) of this section. Each school district is also strongly encouraged to develop its character education program in partnership with parents and all interested stakeholders in its local community. When developing a character education program, school districts shall comply with the open public meetings act in chapter 42.30 RCW.

NEW SECTION. Sec. 3. (1) Subject to availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall provide to each school district that develops and implements a character education program, in partnership with parents and all interested stakeholders in its local community under the provisions of RCW 28A.150.211, an equal amount per full-time equivalent elementary school student for the fiscal year ending June 30, 2001. However, the minimum allocation to a district shall be two hundred dollars for each elementary school operated by the district.

(2) A school district that receives funding in accordance with this section shall certify to the superintendent of public instruction that funds received were expended for the purposes of this act.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

Representatives Talcott and Stensen spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Talcott, Stensen, Quall, Schual-Berke, Haigh, Carlson, Veloria, and Miloscia spoke in favor of passage of the bill.

Representative Benson spoke against the passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2409.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2409 and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, Mielke, Miloscia, Mitchell, Morris, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Voting nay: Representatives Benson, Dunn, Fisher, Koster, McIntire, McMorris, Mulliken and Murray - 8.

Excused: Representative Scott - 1.

Engrossed Second Substitute House Bill No. 2409, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2466, by Representatives Regala, Ericksen, Buck, Linville, Anderson, Barlean and Mitchell

Creating a ballast water monitoring program.

The bill was read the second time. There being no objection, Substitute House Bill No. 2466 was substituted for House Bill No. 2466 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2466 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2466.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2466 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2466, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2515, by Representatives Stensen, Cox, Cooper, Thomas and Hurst; by request of Department of Revenue

Simplifying estate tax penalties.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stensen and Thomas spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2515.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2515 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken,

Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2515, having received the constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED HOUSE BILL NO. 2565, by Representatives Poulsen, Crouse, Morris, Cooper, Radcliff, Ruderman, Reardon, Linville, Conway, Schual-Berke, Kenney, Keiser, Santos and O'Brien

Providing for disclosure to consumers regarding the characteristics associated with their electric energy product.

Representatives Morris and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2565.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2565 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives Delvin and Thomas - 2.

Excused: Representative Scott - 1.

Engrossed House Bill No. 2565, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2582, by House Committee on Education (originally sponsored by Representatives Schindler, Koster, Cox, Lambert, Talcott, Carrell and Wensman)

Changing provisions relating to the Washington assessment of student learning.

Representatives Schindler and Keiser spoke in favor of the passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2582.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2582 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed Second Substitute House Bill No. 2582, having received the constitutional majority, was declared passed.

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

SECOND READING

There being no objection, the House deferred action on House Bill No. 2614, House Bill No. 2672, House Bill No. 2713 and House Bill No. 2881, and the bills held their places on the Second Reading calendar.

HOUSE BILL NO. 2589, by Representatives Buck, Regala, Stensen, Anderson, Sump, G. Chandler, Pennington, Ericksen, Clements, Eickmeyer, Doumit, Alexander, Rockefeller and Dunn

Clarifying what projects are eligible for funding by the salmon recovery funding board.

The bill was read the second time. There being no objection, Substitute House Bill No. 2589 was substituted for House Bill No. 2589 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2589 was read the second time.

Representative Buck moved the adoption of the following amendment (455):

On page 3, line 19 after "recovery" strike everything down to and including "time" on line 26 and insert ", and there will be harm to salmon recovery if the project is delayed"

Representatives Buck and Anderson spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck, Keiser and Parlette spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2589.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2589 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 2589, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2612, by Representatives McDonald, Constantine and Hurst

Clarifying when a defendant must appear.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDonald and Hurst spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2612.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2612 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2612, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2637, by Representatives Tokuda, Conway, Cody, Schual-Berke, McIntire, Campbell, Rockefeller, Kenney, Haigh, O'Brien, Kagi, Hurst, Anderson and Van Luven; by request of Department of Social and Health Services

Requiring background checks on persons who will be in contact with vulnerable adults.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2637 was substituted for Substitute House Bill No. 2637 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2637 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and D. Sommers spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2637.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2637 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Second Substitute House Bill No. 2637, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2663, by Representatives Alexander, Schual-Berke, Parlette, Cody, Reardon, Ericksen, Morris, Tokuda, Benson, Doumit, Pflug, Kessler, Ruderman, Rockefeller, Edmonds, Santos, O'Brien, Hurst and Esser

Providing for the distribution of atypical antipsychotic medications to underserved populations.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2663 was substituted for House Bill No. 2663 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2663 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2663.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2663 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Boldt - 1.

Excused: Representative Scott - 1.

Second Substitute House Bill No. 2663, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2678, by Representatives Wolfe, Ballasiotes, O'Brien, Wensman, Lovick, Cody, Edwards, D. Schmidt, Reardon, Ruderman, Campbell, Rockefeller and Hurst

Using the internet to distribute sex offender information.

The bill was read the second time. There being no objection, Substitute House Bill No. 2678 was substituted for House Bill No. 2678 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2678 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wolfe and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2678.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2678 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken,

Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2678, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2685, by Representatives D. Sommers, Tokuda and O'Brien; by request of Department of Social and Health Services

Providing for the use of criminal history records by the secretary of social and health services in establishing licensing requirements.

The bill was read the second time. There being no objection, Substitute House Bill No. 2685 was substituted for House Bill No. 2685 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2685 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Sommers and Tokuda spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2685.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2685 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2685, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2766, by Representatives Cairnes and Hatfield

Adjusting RV size limits.

The bill was read the second time. There being no objection, Substitute House Bill No. 2766 was substituted for House Bill No. 2766 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2766 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes, Cooper and Fisher spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2766.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2766 and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Vloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Cooper, Dunshee, Edwards, McIntire, Murray and Stensen - 6.
Excused: Representative Scott - 1.

Substitute House Bill No. 2766, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2767, by Representatives Benson and Santos; by request of Insurance Commissioner

Exempting certain insurance documents from the filing requirements.

The bill was read the second time. There being no objection, Substitute House Bill No. 2767 was substituted for House Bill No. 2767 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2767 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benson and Hatfield spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2767.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2767 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2767, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2774, by Representatives Carrell, Constantine, Esser, Fortunato, Dickerson, Mulliken and Edwards

Revising provisions for appointment of judges pro tempore.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Constantine spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2774.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2774 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2774, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2851, by Representatives Reardon, G. Chandler, Linville, Grant, Stensen, Cooper and Haigh

Changing the state's funding limit for flood control maintenance projects.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Reardon spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2851.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2851 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2851, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2863, by Representatives Cairnes, Keiser, Benson, Hatfield, Edwards and Kagi

Establishing insurance coverage provisions for regional transit authorities.

The bill was read the second time. There being no objection, Substitute House Bill No. 2863 was substituted for House Bill No. 2863 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2863 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Fisher spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2863.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2863 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2863, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2873, by Representatives Parlette, Scott, Mulliken and Kessler

Increasing local government debt limits to finance capital facilities.

The bill was read the second time.

Representative Parlette moved the adoption of the following amendment (459):

On page 2, line 39, after "development" insert "provided that those capital facilities are located in an optional code city operating a mayor-council form of government, in a county east of the Cascade range, west of the Columbia River, and on state highway 2"

Representatives Parlette and Doumit spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette and Doumit spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2873.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2873, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed House Bill No. 2873, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Joint Memorial No. 4018, and the memorial held its place on the Second Reading calendar.

HOUSE JOINT MEMORIAL NO. 4022, by Representatives Delvin, Hankins, G. Chandler, B. Chandler, Mastin, Lisk, Grant, Linville and Mitchell

Requesting full funding for a vitrification treatment plant at the Hanford site.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Delvin and Cooper spoke in favor of passage of the memorial.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Joint Memorial No. 4022.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4022 and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Joint Memorial No. 4022, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4023, by Representatives Buck, Doumit, Sump, Regala, G. Chandler, Anderson, Ericksen, Rockefeller, Clements, Stensen, Eickmeyer, Lovick, Edwards, O'Brien, Linville, Parlette, Mulliken, Dickerson, Conway, Mitchell, Wolfe, Edmonds, Veloria, Santos, Skinner and Kagi

Requesting federal support for Washington's efforts toward salmon recovery.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Buck and Anderson spoke in favor of passage of the memorial.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Joint Memorial No. 4023.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4023 and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Joint Memorial No. 4023, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Lisk, the House adjourned until 9:00 a.m., Friday, February 11, 2000, the 33rd Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

THIRTY SECOND DAY, FEBRUARY 10, 2000

JOURNAL OF THE HOUSE

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

THIRTY THIRD DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 11, 2000

The House was called to order at 9:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicholas Carr and Jessica Hart. Prayer was offered by Father Fred Elwood, St. John's Episcopal Church, Olympia.

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

SPEAKER'S PRIVILEGE

The Speaker (Representative Ogden presiding) welcomed Mr. Gustavo Anaya, Director of Investment and Business Development for the State of Jalisco, Mexico. Last year, as part of the Washington-Jalisco Sister State Association's trade mission, Governor Locke signed a formal agreement for a staff exchange to promote culture and business relations. Representatives Kenney, Romero and Van Luven participated in the trade mission and were instrumental in developing this key agreement. Jalisco is one of the State's most important trading partners especially with regard to 'high tech' applications and apples and other agricultural products. Mr. Anaya is here to help improve the State's trade and cultural relations with Jalisco, Mexico.

POINT OF PERSONAL PRIVILEGE

Representative Van Luven welcomed Mr. Anaya to the State and asked the Chamber to acknowledge him.

POINT OF PERSONAL PRIVILEGE

Representative Kenney also welcomed Mr. Anaya to Washington.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4722, by Representatives Edwards, O'Brien, Ruderman, Lambert, Kagi, Edmonds, Quall, Talcott, Wensman and Schmitt

WHEREAS, It is the policy of the Washington State Legislature to recognize extraordinary achievement in the field of education; and

WHEREAS, Dr. Karen A. Forys, resident of Woodinville and Superintendent of the Northshore School District, the state's eighth largest, has been named Washington State Superintendent of the Year from among over 1,100 superintendents, principals, and senior staff; and

WHEREAS, Under Dr. Forys' direction, the Northshore School District has achieved the highest fourth-grade and eighth-grade standardized test scores in the state, and the district's dropout rate is among the state's lowest; and

WHEREAS, Dr. Forys pushed for the International Baccalaureate Program at Inglemoor High School, a challenging curriculum that kept some of the brightest students in public schools; and

WHEREAS, Dr. Forys has been named one of four finalists for the National Superintendent of the Year by the National Superintendent of the Year Blue Ribbon Panel of the American Association of School Administrators; and

WHEREAS, Dr. Forys will be attending the National Conference on Education in San Francisco, California in March 2000 as the only finalist representing Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Dr. Karen Forys for her dedicated work and achievement on behalf of learning and education in the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Karen Forys, the Superintendent of Public Instruction, and the Northshore School District Board of Directors.

Representative Edwards moved adoption of the resolution.

Representatives Edwards, Schmidt, O'Brien, Ruderman, Quall and Lambert spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4722 was adopted.

The Speaker (Representative Ogden presiding) introduced Dr. Karen Forys, two Northshore School District Board Members, Jean Fowler and B.Z. Davis, and a group of administrators and administrative assistants from the Northshore School District. Speaker Pro Tempore Ogden introduced Dr. Terry Bergesman, Superintendent of Public Instruction, who addressed the Chamber.

MESSAGE FROM THE SENATE

February 10, 2000

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5033,

SUBSTITUTE SENATE BILL NO. 5349,

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5598,

SUBSTITUTE SENATE BILL NO. 5881,

SENATE BILL NO. 5944,

SUBSTITUTE SENATE BILL NO. 6194,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6264,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6295,

SENATE BILL NO. 6378,

SUBSTITUTE SENATE BILL NO. 6383,
SUBSTITUTE SENATE BILL NO. 6411,
SUBSTITUTE SENATE BILL NO. 6479,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6530,
SUBSTITUTE SENATE BILL NO. 6531,
SENATE BILL NO. 6532,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6533,
SENATE BILL NO. 6534,
ENGROSSED SENATE BILL NO. 6537,
SENATE BILL NO. 6602,
SUBSTITUTE SENATE BILL NO. 6621,
SUBSTITUTE SENATE BILL NO. 6644,
SENATE BILL NO. 6678,
SUBSTITUTE SENATE BILL NO. 6680,
SENATE BILL NO. 6700,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6732,
SUBSTITUTE SENATE BILL NO. 6740,
SUBSTITUTE SENATE BILL NO. 6792,
SENATE BILL NO. 6829,
SENATE JOINT MEMORIAL NO. 8019,
SENATE JOINT RESOLUTION NO. 8214,

and the same are herewith transmitted.

Brad J. Hendrickson, Deputy Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2000-4745, by Representatives Veloria, Cody, Schual-Berke, Keiser and Wensman

WHEREAS, It is the policy of the Washington State Legislature to recognize the contributions of institutions that reflect the standards of excellence that enhance the well-being and quality of life of the citizens of the State of Washington; and

WHEREAS, The Tukwila School District serves two thousand five hundred fifty students; and
WHEREAS, Students in the Tukwila School District represent many cultures and ethnic groups, speaking more than twenty-five languages; and

WHEREAS, The Tukwila School District has initiated three university-school partnership programs with the University of Washington in the areas of teacher training, integrating the arts in elementary schools, and integrating instruction of environmental study and architectural design in elementary schools; and

WHEREAS, Showalter and Cascade View Schools, of the Tukwila School District, were awarded Comprehensive School Reform Demonstration grants for 1999-2000; and

WHEREAS, Cascade View Elementary School is conducting a Washington Reading Corps Volunteer Tutoring Program; and

WHEREAS, The percentage of fourth- and seventh-grade students who met or exceeded state standards for learning on the WASL improved significantly in math, reading, and writing between 1998 and 1999; and

WHEREAS, The Tukwila School District, in partnership with Rotary International, is sustaining a sister school/community partnership with the Village of Thillagrand, Senegal; and

WHEREAS, Students from the Tukwila School District are visiting here today, February 11, 2000, escorted by Board Director Mary Fertakis, Superintendent Michael Silver, staff members, and parents;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the great contribution made by the Tukwila School District to the education of the young people of Washington State; the diversity of the Tukwila School District's student body; and the significant achievements of the Tukwila School District in meeting education standards. The House of Representatives also extends congratulations to the Tukwila School District for initiating local, state, national, and international partnerships for learning.

Representative Veloria moved adoption of the resolution.

Representatives Veloria and Schual-Berke spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4745 was adopted.

INTRODUCTIONS AND FIRST READING

HB 3134 by Representatives Kessler, Mulliken, Cairnes and Grant

AN ACT Relating to municipal tax fairness; amending RCW 35.21.860; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 35 RCW; creating a new section; recodifying RCW 35.21.717, 35.21.718, 35.21.840, 35.21.845, and 35.21.860; and repealing RCW 35.21.706, 35.21.710, 35.21.711, 35.21.712, 35.21.714, 35.21.715, 35.21.850, 35.21.865, 35.21.870, and 35.21.871.

Referred to Committee on Finance.

ESB 5152 by Senators Kline, Fairley, Costa, Gardner and Goings

Clarifying who are appointed personnel for the purpose of public employees' collective bargaining.

Referred to Committee on Commerce & Labor.

E2SSB 5212 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Winsley, Thibaudeau, Franklin, Rasmussen and Costa)

Providing for school safety plans.

Referred to Committee on Education.

SB 5291 by Senators Franklin, Winsley, Fairley, Prentice, Kohl-Welles, Patterson, Roach, Hargrove, Goings, Heavey and Gardner

Creating the crime of aggressive driving to combat road rage.

Referred to Committee on Criminal Justice & Corrections.

ESSB 5295 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Costa, Prentice, Kohl-Welles, Thibaudeau, Fraser, Fairley and Heavey)

Protecting the act of breastfeeding.

Referred to Committee on Commerce & Labor.

SSB 5366 by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, McCaslin, Oke, Horn, Goings and Bauer)

Changing scoring criteria for veterans' employment examinations.

Referred to Committee on State Government.

SSB 5408 by Senate Committee on Ways & Means (originally sponsored by Senators Benton, Hale, Shin, Winsley, Patterson and Rossi)

Creating a state medal of valor.

Referred to Committee on State Government.

SSB 5453 by Senate Committee on Transportation (originally sponsored by Senators Horn, Benton, Haugen, Goings and Eide)

Enhancing regional transportation planning.

Referred to Committee on Transportation.

SB 5570 by Senators Costa, Johnson, Kline, Honeyford, Kohl-Welles, Patterson, Gardner, Winsley and Oke; by request of Washington State Patrol

Expanding the definition of vehicular assault.

Referred to Committee on Criminal Justice & Corrections.

SB 5580 by Senators Wojahn, Roach, Thibaudeau, Fairley, Spanel, Prentice and Kohl-Welles

Paying industrial insurance benefits during appeal.

Referred to Committee on Commerce & Labor.

2ESSB 5610 by Senate Committee on Transportation (originally sponsored by Senators Prentice, Finkbeiner, T. Sheldon and Costa)

Authorizing the director of the department of licensing to impose a civil penalty for a violation of chapter 46.70 RCW.

Referred to Committee on Transportation.

ESSB 5611 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Kline, Prentice, Winsley and Costa; by request of Insurance Commissioner)

Regulating medicare supplement insurance.

Referred to Committee on Health Care.

SB 5920 by Senators Costa, Thibaudeau, Deccio, Haugen and Kohl-Welles

Including midwives in women's health care services.

Referred to Committee on Health Care.

SB 6010 by Senators West, Jacobsen and Sheahan

Creating operating fees waivers not supported by state general fund appropriations.

Referred to Committee on Higher Education.

SB 6037 by Senators Shin and Prentice

Rescinding a retirement allowance agreement.

Referred to Committee on Appropriations.

SSB 6117 by Senate Committee on Education (originally sponsored by Senators McCaslin and Winsley)

Increasing penalties for persons who interfere with school activities.

Referred to Committee on Criminal Justice & Corrections.

SB 6121 by Senators Wojahn, Deccio, Thibaudeau, Winsley, Fairley, Rasmussen, Patterson and Kohl-Welles

Continuing the diabetes cost reduction act.

Referred to Committee on Health Care.

SB 6139 by Senators Johnson, Heavey and Gardner

Modifying estate tax apportionment.

Referred to Committee on Judiciary.

SB 6140 by Senators Johnson, Heavey and Gardner

Updating probate and trust laws.

Referred to Committee on Judiciary.

SB 6168 by Senators Fairley, Patterson and Kline

Requiring the department of social and health services to have a phone system that facilitates access to a departmental employee rather than voice mail.

Referred to Committee on Children & Family Services.

SB 6172 by Senators Fraser, Deccio, Thibaudeau, Prentice, T. Sheldon, Kohl-Welles, Fairley, McAuliffe and Oke

Allowing minors to donate bone marrow.

Referred to Committee on Health Care.

SB 6190 by Senators Patterson, Horn, Haugen, Johnson, Costa, Goings, McCaslin and Winsley

Promoting expeditious resolution of public use disputes in eminent domain proceedings.

Referred to Committee on Judiciary.

SSB 6213 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio and Winsley)

Requiring guidelines for the response of emergency medical personnel to directives.

Referred to Committee on Health Care.

SSB 6233 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, McDonald, Loveland, Deccio, Snyder, Spanel, Winsley, Rasmussen, Gardner, Costa, Hale, McAuliffe and Kline)

Changing developmental disabilities endowment trust fund provisions.

Referred to Committee on Appropriations.

SSB 6273 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Fraser, Winsley, Thibaudeau, Patterson, Costa, Fairley, Brown, Wojahn and Kline)

Creating a public health education program aimed at reducing childhood exposure to lead in residential settings.

Referred to Committee on Health Care.

SB 6274 by Senators Patterson, Wojahn and Winsley

Harmonizing procedures for replacement absentee and mail ballots.

Referred to Committee on State Government.

ESSB 6277 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators B. Sheldon, Swecker, Jacobsen, Franklin, Morton, Costa, Fraser, Eide, Spanel, Thibaudeau and Kohl-Welles)

Authorizing cost-reimbursement agreements for leases and environmental permits.

Referred to Committee on Agriculture & Ecology.

SB 6280 by Senators Haugen, Honeyford, Loveland and McAuliffe

Reporting on archaeology and historic preservation.

Referred to Committee on State Government.

SSB 6292 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Morton, Rasmussen, Jacobsen, Rossi, McCaslin, Honeyford, Sheahan, Stevens and Oke)

Directing the attorney general to bring suit against the state of Idaho concerning the timber supply stabilization act.

Referred to Committee on Natural Resources.

SB 6307 by Senators Morton, Haugen, Honeyford, T. Sheldon, Gardner, Sellar and Hochstatter

Changing provisions relating to county roads that cross county boundaries.

Referred to Committee on Transportation.

SSB 6310 by Senate Committee on State & Local Government (originally sponsored by Senators Gardner, Horn, Oke, Loveland, Stevens, Wojahn, Bauer, Rasmussen, McAuliffe and Costa; by request of Joint Legislative Audit & Review Committee)

Increasing government accountability through the state sunset review process.

Referred to Committee on State Government.

ESSB 6416 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Wojahn, Rasmussen, Johnson, Franklin, B. Sheldon, Costa, Prentice, Sheahan, Fraser, Swecker, McAuliffe, Winsley, Kohl-Welles, Haugen, Benton, Spanel, McDonald and Oke)

Regulating occupational exposure to bloodborne pathogens and other infectious materials.

Referred to Committee on Health Care.

ESB 6448 by Senators T. Sheldon, Hale, Gardner, Sellar, Haugen and Rasmussen

Promoting the improvement of port district employees.

Referred to Committee on Local Government.

SB 6463 by Senators McAuliffe, Kohl-Welles, Fairley, Goings, Eide, Patterson, Kline and Rasmussen

Providing for early vision and hearing screening.

Referred to Committee on Education.

SSB 6464 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Kohl-Welles, Goings, Eide, Patterson and Kline)

Requiring information on selecting early childhood education programs and guidelines for success in school.

Referred to Committee on Education.

SB 6547 by Senators Costa, Benton, Eide, Shin, Patterson, Haugen, Gardner, Rasmussen, Prentice, Goings, McAuliffe, Winsley, Kline and Kohl-Welles

Clarifying rights and responsibilities of bicyclists.

Referred to Committee on Transportation.

SSB 6724 by Senate Committee on Ways & Means (originally sponsored by Senators Hale, Loveland, Rossi, West, Snyder and Rasmussen)

Exempting property used for privatization contracts for the treatment of hazardous substances from property taxes.

Referred to Committee on Finance.

SSJM 8017 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Spanel, Gardner, Oke, Brown, Swecker, Franklin, Kline, B. Sheldon, Shin, Bauer, Eide, Patterson, Haugen, Costa, Kohl-Welles, Rasmussen, Fairley, McAuliffe, Prentice, Fraser, Goings, Hale and Winsley)

Requesting federal assistance in ensuring pipeline safety.

Referred to Committee on Agriculture & Ecology.

SJM 8020 by Senators Loveland, Hale, Roach and B. Sheldon

Requesting full funding for a vitrification treatment plant at the Hanford site.

Referred to Committee on Agriculture & Ecology.

ESSCR 8422 by Senate Committee on Judiciary (originally sponsored by Senators T. Sheldon, Swecker, Fraser, Oke, Kohl-Welles, B. Sheldon, Snyder, Spanel, Heavey, Thibaudeau, Rossi, Prentice, Hale, Fairley, Morton, McAuliffe, Gardner, Rasmussen, Jacobsen, Haugen, Eide, Kline, Patterson, Franklin, Winsley and Costa)

Creating a committee to improve tribal relations.

Referred to Committee on State Government.

MOTION

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

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1955, by House Committee on Commerce & Labor (originally sponsored by Representatives McIntire, Clements and Conway)

Providing support for collaborative efforts toward employment-related services and program evaluation.

There being no objection, the rules were suspended, and Substitute House Bill No. 1955 was returned to second reading for purposes of amendment.

There being no objection, the House deferred action on Substitute House Bill No. 1955, and the bill held its place on the Second Reading calendar.

There being no objection, the House reverted to the Sixth Order of business.

SECOND READING

MOTION

On motion of Representative Wolfe, Representatives Dunshee, Eickmeyer and Scott were excused.

HOUSE BILL NO. 2614, by Representatives G. Chandler, Parlette, Linville, Sump, Schoesler and Ruderman

Expanding sufficient cause for nonuse of water rights.

The bill was read the second time. There being no objection, Substitute House Bill No. 2614 was substituted for House Bill No. 2614 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2614 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler, Cooper and Parlette spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2614.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2614 and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen,

Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives Constantine, Fisher and Hurst - 3.

Excused: Representatives Dunshee, Eickmeyer and Scott - 3.

Substitute House Bill No. 2614, having received the constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED HOUSE BILL NO. 1968, by Representatives Van Luven, Cody, Alexander and Parlette

Limiting the scope of mental health record audits.

Representatives Van Luven and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1968.

ROLL CALL

The Clerk called the roll on the final of Engrossed House Bill No. 1968 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Dunshee, Eickmeyer and Scott - 3.

Engrossed House Bill No. 1968, having received the constitutional majority, was declared passed.

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

SECOND READING

HOUSE JOINT MEMORIAL NO. 4018, by Representatives Mulliken, Doumit, Mielke, Scott, Ericksen, Fortunato, Hatfield, Schindler, Dunn, Thomas, D. Sommers and Esser

Petitioning the Governor to impose a moratorium on state agencies adopting rules that would create new costs for local governments.

The memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4018 was substituted for House Joint Memorial No. 4018 and the substitute memorial was placed on the second reading calendar.

Substitute House Joint Memorial No. 4018 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Mulliken spoke in favor of passage of the memorial.

There being no objection, the House deferred action on Substitute House Joint Memorial No. 4018, and the bill held its place on the Third Reading calendar.

Speaker Chopp assumed the chair.

HOUSE BILL NO. 1071, by Representatives Romero and D. Schmidt; by request of Alternative Public Works Methods Oversight Committee

Creating a limited public works process.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1071 was substituted for House Bill No. 1071 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1071 was read the second time.

Representative McMorris moved the adoption of the following amendment (467):

On page 1, line 4, strike "39.10" and insert "39.04"

Correct the title.

Representative McMorris and Romero spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1071.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1071 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed Second Substitute House Bill No. 1071, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2359, by Representatives Parlette, Cody, Edmonds, Rockefeller, B. Chandler, Schoesler, Kenney, Conway, McDonald and Van Luven

Concerning the nursing facility payment rate.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2359 was substituted for House Bill No. 2359 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2359 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette and Cody spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 2359.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2359 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Second Substitute House Bill No. 2359, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Schoesler, Representative Radcliff was excused.

HOUSE BILL NO. 2377, by Representatives G. Chandler, Linville, Pennington and Haigh; by request of Department of Agriculture

Regulating custom meat slaughter and preparation.

The bill was read the second time. There being no objection, Substitute House Bill No. 2377 was substituted for House Bill No. 2377 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2377 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Cooper spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2377.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2377 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 2377, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2407, by Representatives Lantz, Esser and Haigh; by request of Board for Judicial Administration

Authorizing judges pro tempore whenever a judge serves on a commission, board, or committee.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Esser spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2407.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2407 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

House Bill No. 2407, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2439, by Representatives Tokuda, Kagi, D. Sommers, Lovick, Kessler, Regala, Kenney, Cooper, Ogden, Eickmeyer, Murray, Schual-Berke, Stensen, Edmonds, Santos, Lantz, Wood and Benson

Revising the family reconciliation process.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2439 was substituted for House Bill No. 2439 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2439 was read the second time.

Representative Tokuda moved the adoption of the following amendment (465):

On page 17, beginning on line 32, strike all of subsection 3.

Renumber remaining subsections consecutively and correct internal references accordingly.

Representatives Tokuda and D. Sommers spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda, Boldt and Carrell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2439.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2439 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Engrossed Second Substitute House Bill No. 2439, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2452, by Representatives Cody, Parlette, Edwards and Hurst; by request of Department of Health

Making technical changes and corrections to department of health statutes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Pflug spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2452.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2452 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

House Bill No. 2452, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2060, by Representatives DeBolt, Morris, Crouse, Ruderman and Poulsen

Concerning the use of rights-of-way in cities and counties.

The bill was read the second time. There being no objection, Substitute House Bill No. 2060 was substituted for House Bill No. 2060 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2060 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives DeBolt, Poulsen and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2060.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2060 and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 89.

Voting nay: Representatives Conway, Edmonds, Fisher, Kagi, Mitchell, Regala and Romero - 7.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 2060, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2454, by Representatives Edmonds, Parlette, Cody, Kenney, Radcliff, Kagi, Edwards, Lantz, Hatfield, Ogden, Conway, Veloria, Lovick, Kessler, O'Brien, Regala, McDonald, Carlson, Tokuda, Cooper, Van Luven, Ruderman, Murray, Schual-Berke, Scott, Stensen, Keiser, Santos, Pflug, Rockefeller, Wood and McIntire

Providing a program to support family and other unpaid long-term caregivers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2454 was substituted for House Bill No. 2454 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2454 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edmonds and Pflug spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2454.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2454 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 2454, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2461 and House Bill No. 2483, and the bills held their places on the Second Reading calendar.

HOUSE BILL NO. 2491, by Representatives Schindler, Ballasiotes, Koster, Sullivan, Esser, Wood, Crouse, Cairnes, Rockefeller, Edmonds, Mulliken, Clements, Ruderman, McDonald and Dunn

Providing a procedure to conduct DNA testing of evidence for persons sentenced to death or life imprisonment.

The bill was read the second time.

There being no objection, the House deferred action on House Bill No. 2491, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2505, by Representatives Cairnes, Voloria, O'Brien, Morris, Radcliff, Scott, Barlean, Esser, Kagi, Keiser, Fortunato, Schual-Berke, Edwards and Miloscia

Modifying the definition of "city" for the multiple-unit dwellings property tax exemption.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes, Dunshee and Cairnes (again) spoke in favor of passage of the bill.

Representative Carrell, twice, spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2505.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2505 and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 88.

Voting nay: Representatives Boldt, Carrell, Dunn, Koster, McMorris, Reardon, Sump and Van Luven - 8.

Excused: Representatives Radcliff and Scott - 2.

House Bill No. 2505, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2608, by Representatives Alexander, Carlson, H. Sommers, Doumit, Delvin, Lambert, Conway, Schoesler, Pflug, Talcott, Clements, Bush and Eickmeyer; by request of Joint Committee on Pension Policy

Establishing eligibility for the employee attendance incentive program.

The bill was read the second time. There being no objection, Substitute House Bill No. 2608 was substituted for House Bill No. 2608 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2608 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander, H. Sommers, Carlson and Cox spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2608.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2608 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken,

Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 2608, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2648 and House Bill No. 2716, and the bills held their places on the Second Reading calendar.

HOUSE BILL NO. 2733, by Representatives Wensman, Mastin, Skinner, Rockefeller and Santos

Allowing family member representation for traffic charges against non-English speaking persons.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wensman and Hurst spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2733.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2733 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

House Bill No. 2733, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2738 and House Bill No. 2755, and the bills held their places on the Second Reading calendar.

HOUSE BILL NO. 2803, by Representatives Lambert, Koster, Benson, Talcott, Cox, D. Schmidt, Esser, Lantz and Rockefeller

Allowing private school students and students receiving home-based education to take the Washington assessments of student learning at district expense.

The bill was read the second time. There being no objection, Substitute House Bill No. 2803 was substituted for House Bill No. 2803 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2803 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Haigh spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2803.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2803 and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Voting nay: Representatives Cody, Constantine, Fisher, McIntire, Murray and Reardon - 6.
Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 2803, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2832, by Representatives McMorris, Carlson and Kenney

Changing eligibility for educational opportunity grants.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McMorris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2832.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2832 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

House Bill No. 2832, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2850, by Representatives Reardon, Schoesler, Scott, D. Schmidt, Tokuda, Skinner, Thomas, Clements, Dunshee, McIntire and Pennington

Modifying the tax treatment of linen and uniform supply services.

The bill was read the second time. There being no objection, Substitute House Bill No. 2850 was substituted for House Bill No. 2850 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2850 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon and Pennington spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2850.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2850 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 2850, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2853, by Representatives Wolfe, D. Schmidt, Romero, Cairnes, Haigh and Cody; by request of Department of Services for the Blind

Conforming the advisory council for the blind with the federal rehabilitation act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wolfe spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2853.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2853 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

House Bill No. 2853, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2858, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2861, by Representatives O'Brien, Cody, Miloscia, Parlette, Ballasiotes, Morris, Alexander, Anderson, Santos, Edmonds, Murray, Kastama, Schual-Berke, Scott, Thomas, Barlean, Quall, Dickerson, Mitchell, Delvin, Kenney, Edwards, Rockefeller and McIntire

Modifying the definition of health care information.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Pflug spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2861.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2861 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

House Bill No. 2861, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2874, by Representatives Dunn, Skinner and Carlson

Creating a legislative task force on community and technical college tuition, residency, and compensation.

The bill was read the second time. There being no objection, Substitute House Bill No. 2874 was substituted for House Bill No. 2874 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2874 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunn and Kenney spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2874.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2874 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 2874, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2880 and House Bill No. 2889, and the bills held their places on the Second Reading calendar.

HOUSE BILL NO. 2899, by Representatives Conway, Clements, Cody, Cooper and Keiser; by request of Department of Social and Health Services

Developing a workplace safety plan for state hospitals.

The bill was read the second time. There being no objection, Substitute House Bill No. 2899 was substituted for House Bill No. 2899 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2899 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, B. Chandler and Clements spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2899.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2899 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 2899, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2923, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2929, by Representatives McDonald and Linville

Modifying requirements concerning on-site sewage disposal systems.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2929 was substituted for House Bill No. 2929 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2929 was read the second time.

Representative McDonald moved the adoption of the following amendment (464):

On page 3, line 7, after "mound" insert "that"

On page 3, line 8, after "inability to" insert "fully"

On page 3, line 11, after "temporarily" strike "inoperable" and insert "saturated"

On page 3, line 12, after "of a" strike "flood" and insert "flooded stream or river"

Representative McDonald spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDonald and Cooper spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2929.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2929 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Engrossed Second Substitute House Bill No. 2929, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 3016, by Representatives Parlette and Cody

Creating a reimbursement system for the state's medical assistance programs in rural hospitals.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 3016 was substituted for House Bill No. 3016 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 3016 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette and Cody spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 3016.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3016 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Second Substitute House Bill No. 3016, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 3045, by Representatives Wood and Clements

Clarifying the requirements for a class 1 racing license.

The bill was read the second time. There being no objection, Substitute House Bill No. 3045 was substituted for House Bill No. 3045 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 3045 was read the second time.

Representative Wood moved the adoption of the following amendment (468):

On page 4, line 15, after "disruptions" insert "affecting live race days but not directly involving the licensee or its employees"

Representatives Wood and Clements spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and B. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 3045.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3045 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods and Mr. Speaker Ballard - 95.

Absent: Representative Mr. Speaker Chopp - 1.

Excused: Representatives Radcliff and Scott - 2.

Engrossed Substitute House Bill No. 3045, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 3045.

FRANK CHOPP, 43rd District

There being no objection, the House deferred action on House Bill No. 3076, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 3099, by Representatives Dunshee, Barlean, Murray, Reardon, Koster and Lovick

Allowing state and local governments to continue to lower their exposure to interest rate fluctuations with respect to financial obligations.

The bill was read the second time. There being no objection, Substitute House Bill No. 3099 was substituted for House Bill No. 3099 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 3099 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Alexander and Barlean spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 3099.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3099 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 3099, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 3124, and the bill held its place on the Second Reading calendar.

HOUSE JOINT MEMORIAL NO. 4026, by Representatives Doumit, Buck, Anderson, Sump, Eickmeyer, Hatfield and Schoesler

Requesting a review of migratory bird predation on salmonid stocks.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Doumit and Buck spoke in favor of passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of House Joint Memorial No. 4026.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4026 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

House Joint Memorial No. 4026, having received the constitutional majority, was declared passed.

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

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 2109, by House Committee on Finance
(originally sponsored by Representatives Van Luven, Thomas, Dunshee, Pennington, Dunn, Cairnes,
Veloria, Buck, G. Chandler and Haigh)

Authorizing tax, levy, and execution exemptions for properties of Indian housing authorities
designated for low-income housing program uses.

There being no objection, the rules were suspended and Second Substitute House Bill No. 2109
was returned to second reading for purposes of amendment.

Representative Van Luven moved the adoption of the following amendment (440):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Affordable and accessible housing is of great concern and
importance to the legislature and the people of this state. The legislature recognizes the important role
housing authorities serve in creating and maintaining housing for low-income persons and senior
citizens. The legislature finds that tribal housing authorities should be afforded the same exemptions
from tax as all other housing authorities and extends the exemption from state and local tax to tribal
housing authorities.

Sec. 2. RCW 35.82.210 and 1965 c 7 s 35.82.210 are each amended to read as follows:

(1) The property of an authority is declared to be public property used for essential public and
governmental purposes and such property and an authority shall be exempt from all taxes and special
assessments of the city, the county, the state or any political subdivision thereof: PROVIDED,
HOWEVER, That in lieu of such taxes an authority may agree to make payments to the city or the
county or any such political subdivision for improvements, services and facilities furnished by such
city, county or political subdivision for the benefit of a housing project, but in no event shall such
payments exceed the amount last levied as the annual tax of such city, county or political subdivision
upon the property included in said project prior to the time of its acquisition by the authority.

(2) For the sole purpose of the exemption from tax under this section:

(a) "Authority," in addition to the meaning in RCW 35.82.020, also means tribal housing
authorities and intertribal housing authorities.

(b) "Intertribal housing authority" means a housing authority created by a consortium of tribal
governments to operate and administer housing programs for persons of low income or senior citizens
for and on behalf of such tribes.

(c) "Tribal government" means the governing body of a federally recognized Indian tribe.

(d) "Tribal housing authority" means the tribal government or an agency or branch of the tribal
government that operates and administers housing programs for persons of low income or senior
citizens.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2000."

Correct the title.

Representatives Van Luven and Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third
and the bill was placed on final passage.

Representatives Van Luven, Dunshee and Haigh spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2109.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2109, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Engrossed Second Substitute House Bill No. 2109, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4018, by Committee on Local Government (originally sponsored by Representatives Mulliken, Doumit, Mielke, Scott, Ericksen, Fortunato, Hatfield, Schindler, Dunn, Thomas, D. Sommers and Esser)

Petitioning the Governor to impose a moratorium on state agencies adopting rules that would create new costs for local governments.

Representative Mulliken spoke twice in favor of passage of the memorial.

Representative Conway spoke against the passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of Substitute House Joint Memorial No. 4018.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4018 and the memorial passed the House by the following vote: Yeas - 83, Nays - 13, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Kastama, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 83.

Voting nay: Representatives Constantine, Conway, Cooper, Fisher, Hurst, Keiser, Kenney, McIntire, Romero, Schual-Berke, Sullivan, Voloria and Wolfe - 13.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Joint Memorial No. 4018, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1059, by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ballasiotes, Kastama, Van Luven, McMorris, Cody, Carlson, Lantz, Parlette, Bush, Keiser, Skinner, Constantine, Anderson, Haigh, K. Schmidt, Regala, Fisher, Hurst, Delvin, Lovick, Ruderman, Radcliff, Kenney, Stensen, Kessler, Dunshee, Dickerson, D. Schmidt, Ogden, Rockefeller, Poulsen, Cooper, Quall, Scott, Lisk, Esser, McDonald, DeBolt, Conway, Mielke, Kagi, Morris and McIntire)

Creating crimes concerning the theft or destruction of mail or mail boxes.

There being no objection, the rules were suspended and Engrossed Second Substitute House Bill No. 1059 was returned to second reading for purposes of amendments.

Representative O'Brien moved the adoption of the following amendment (474):

Beginning on page 3, line 19, strike all of section 8 and insert the following:

"**Sec. 8.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))
 - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (~~RCW 88.12.029~~)
(RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (~~RCW 88.12.029~~) (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (~~RCW 88.12.029~~) (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW
70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver narcotics
from Schedule I or II (except heroin or cocaine) or
flunitrazepam from Schedule IV (RCW
69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)
V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of
credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person eighteen
or over to person under eighteen (RCW 69.52.030(2))
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW
9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
On and after July 1, 2000: No-Contact Order Violation:
Domestic Violence Pretrial Condition (RCW
10.99.040(4) (b) and (c))
On and after July 1, 2000: No-Contact Order Violation:
Domestic Violence Sentence Condition (RCW
10.99.050(2))
On and after July 1, 2000: Protection Order Violation:
Domestic Violence Civil Action (RCW 26.50.110 (4)
and (5))
On and after July 1, 2000: Stalking (RCW 9A.46.110)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
IV Arson 2 (RCW 9A.48.030)
Assault 2 (RCW 9A.36.021)
Assault by Watercraft (~~(RCW 88.12.032))~~) (RCW
79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW
9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury Accident (RCW 46.52.020(4))
Hit and Run with Vessel--Injury Accident (~~(RCW
88.12.155(3))~~) (RCW 79A.60.200(3))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)
III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

- Theft of Livestock 2 (RCW 9A.56.080)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
- Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
 - Counterfeiting (RCW 9.16.035(3))
 - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 - Escape from Community Custody (RCW 72.09.310)
 - Health Care False Claims (RCW 48.80.030)
 - Mail Theft or Receipt of Stolen Mail (section 5 of this act)
 - Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
 - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
 - Trafficking in Insurance Claims (RCW 48.30A.015)
 - Unlawful Practice of Law (RCW 2.48.180)
 - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - Destruction of Mail (section 4 of this act)
 - False Verification for Welfare (RCW 74.08.055)
 - Forged Prescription (RCW 69.41.020)
 - Forged Prescription for a Controlled Substance (RCW 69.50.403)
 - Forgery (RCW 9A.60.020)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 - Theft 2 (RCW 9A.56.040)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
 - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 - Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 - Vehicle Prowl 1 (RCW 9A.52.095)"

On page 18, line 23, after "RCW 13.40.160" strike "(5)" and insert "(((~~5~~))) (4)"

Representative O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Engrossed Second Substitute House Bill No. 1059.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1059 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Second Engrossed Second Substitute House Bill No. 1059, having received the constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2599, by Representatives Doumit, Mulliken, Scott, Fisher and Alexander

Promoting the improvement of port district employees.

The bill was read the second time. There being no objection, Substitute House Bill No. 2599 was substituted for House Bill No. 2599 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2599 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Mulliken spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2599.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2599 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 2599, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2380, by Representatives Cody, Parlette and Edwards; by request of Governor Locke

Clarifying the authority of the department of social and health services concerning boarding homes.

The bill was read the second time. There being no objection, Substitute House Bill No. 2380 was substituted for House Bill No. 2380 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2380 was read the second time.

Representative Edmonds moved the adoption of the following amendment (463):

On page 6, after line 22, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 18.20 RCW to read as follows:

(1) In an effort to ensure a cooperative process among the department, boarding home provider representatives, and resident and family representatives on matters pertaining to the boarding home program, the secretary, or his or her designee, shall designate an advisory board. The advisory board must include representatives of the state-wide boarding home associations, the state long-term care ombudsman program, the state-wide resident council program, consumers, and family representatives. Depending on the topic to be discussed, the department may invite other representatives in addition to the named members of the advisory board. The secretary, or his or her designee, shall periodically, but not less than quarterly, convene a meeting of the advisory board to encourage open dialogue on matters affecting the boarding home program. It is, minimally, expected that the department will discuss with the advisory board the department's inspection, enforcement, and quality improvement activities, in addition to seeking their comments and recommendations on matters described under subsection (2) of this section.

(2) The secretary, or his or her designee, shall seek comments and recommendations from the advisory board prior to the adoption of rules and standards, implementation of boarding home provider programs, or development of methods and rates of payment.

(3) For the purpose of implementing this section, "department" means either the department of health or the department of social and health services, depending on which department has the licensing authority under this chapter."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Edmonds and Pennington spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Pflug spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2380.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2380 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Engrossed Substitute House Bill No. 2380, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2451, by Representatives McDonald, Hurst, Ruderman, Dunn, Mielke, Sullivan, Kastama, Bush, O'Brien, Schoesler, Wolfe, Stensen and Keiser

Increasing penalties for crimes involving anhydrous ammonia.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2451 was substituted for House Bill No. 2451 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2451 was read the second time.

Representative Schoesler moved the adoption of the following amendment (462):

On page 1, line 11, after "that" strike "is not designed and manufactured to hold anhydrous ammonia" and insert "(1) is not approved by the United States department of transportation to hold anhydrous ammonia, or (2) does not meet state and federal industrial health and safety standards for holding anhydrous ammonia"

Representative Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDonald, O'Brien and Lantz spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2451.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2451 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Engrossed Second Substitute House Bill No. 2451, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2491, by Representatives Schindler, Ballasiotes, Koster, Sullivan, Esser, Wood, Crouse, Cairnes, Rockefeller, Edmonds, Mulliken, Clements, Ruderman, McDonald and Dunn

Providing a procedure to conduct DNA testing of evidence for persons sentenced to death or life imprisonment.

There being no objection, Substitute House Bill No. 2491 was substituted for House Bill No. 2491 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2491 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schindler and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2491.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2491 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Substitute House Bill No. 2491, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2755, by Representatives Gombosky, Crouse, Wood, Poulsen, Bush, Reardon, Mielke, Grant, McDonald, Delvin and Mastin

Clarifying the taxation of electrical energy sales.

The bill was read the second time.

Representative Gombosky moved the adoption of the following amendment (444):

On page 3, line 14, after "(1)" strike "This" and insert "Section 1 of this"

On page 3, line 18, after "(2)" strike "This" and insert "Section 1 of this"

On page 3, line 19, after "of" insert "section 1 of"

Representatives Gombosky and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky and Crouse spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 2755.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2755, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,

Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Engrossed House Bill No. 2755, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1572, by Representatives Wensman, Tokuda, Santos, Quall, Veloria, Schoesler, Conway, Murray, Constantine, Ogden, Rockefeller, Kenney, O'Brien, D. Schmidt and Haigh

Creating the Washington civil liberties public education program.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1572 was substituted for House Bill No. 1572 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1572 was read the second time.

Representative Tokuda moved the adoption of the following amendment (442):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) In order to adequately prepare our youth for their meaningful participation in our democratic institutions and processes, there must be strong educational resources aimed at teaching students and the public about the fragile nature of our constitutional rights.

(2) The federal commission on wartime relocation and internment of civilians was established by congress in 1980 to review the facts and circumstances surrounding executive order 9066, issued on February 19, 1942, and the impact of the executive order on American citizens and permanent residents, and to recommend appropriate remedies.

The commission of wartime relocation and internment of civilians issued a report of its findings in 1983 with the reports "Personal Justice Denied" and "Personal Justice Denied-Part II, Recommendations." The reports were based on information gathered through twenty days of hearings in cities across the country, particularly the West coast. Testimony was heard from more than seven hundred fifty witnesses, including evacuees, former government officials, public figures, interested citizens, historians, and other professionals who have studied the internment of Japanese-Americans during World War II.

(3) The lessons to be learned from the internment of Japanese-Americans during World War II are embodied in "Personal Justice Denied-Part II, Recommendations" which found that executive order 9066 was not justified by military necessity, and the decisions that followed from it were not founded upon military considerations. These decisions included the exclusion and detention of American citizens and resident aliens of Japanese descent. The broad historical causes that shaped these decisions were race prejudice, war hysteria, and a failure of political leadership. Widespread ignorance about Americans of Japanese descent contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. A grave personal injustice was done to the American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them were excluded, removed, and detained by the United States during World War II.

(4) A grave injustice was done to both citizens and permanent residents of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. These actions were

carried out without adequate security reasons and without any documented acts of espionage or sabotage, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the United States congress apologized on behalf of the nation in the federal civil liberties act of 1988.

NEW SECTION. Sec. 2. The legislature intends to develop a grant program to fund public educational activities and development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood.

NEW SECTION. Sec. 3. As used in chapter . . . , Laws of 2000 (this act), "program" means the Washington civil liberties public education program, unless the context clearly requires otherwise.

NEW SECTION. Sec. 4. Consistent with the legislative findings in section 1 of this act, the legislature shall establish the Washington civil liberties public education program. The program provides grants for the purpose of establishing a legacy of remembrance as part of a continuing process of recovery from the World War II exclusion and detention of individuals of Japanese ancestry. The program is created to do one or both of the following:

(1) Educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter; and

(2) Develop videos, plays, presentations, speaker bureaus, and exhibitions for presentation to elementary schools, secondary schools, community colleges, and to other interested parties.

NEW SECTION. Sec. 5. (1) The superintendent of public instruction shall allocate grants under the program established in chapter . . . , Laws of 2000 (this act) from private donations or within amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.

(2) The superintendent of public instruction may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.

(3) The superintendent of public instruction shall select grant recipients from applicants who meet all of the following criteria:

(a) The capability to administer and complete the proposed project within specified deadlines and within the specified budget;

(b) The experience, knowledge, and qualifications necessary to conduct quality educational activities regarding the exclusion and detention of Japanese-Americans during World War II;

(c) Projects that relate the Japanese-American exclusion and detention experience with civil rights included in the Declaration of Independence and the Constitution so that this event may be illuminated and understood in order to prevent similar violations of civil rights in the future;

(d) Projects that are designed to maximize the long-term educational impact of this chapter;

(e) Projects that build upon, contribute to, and expand upon the existing body of educational and research materials on the exclusion and detention of Japanese-Americans during World War II; and

(f) Projects that include the variety of experiences regarding the exclusion and detention of Japanese-Americans and its impact before, during, and after World War II including those Japanese-Americans who served in the military and those who were interned in department of justice camps.

(4) Applicants for grants under the program are encouraged to do each of the following:

(a) Involve former detainees, those excluded from the military area, and their descendants in the development and implementation of projects;

(b) Develop a strategy and plan for raising the level of awareness and understanding among the American public regarding the exclusion and detention of Japanese-Americans during World War II so that the causes and circumstances of this and similar events may be illuminated and understood;

(c) Develop a strategy and plan for reaching the broad, multicultural population through project activities;

(d) Develop local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts;

(e) Coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors to maximize the effect of grants;

(f) Utilize creative and innovative methods and approaches in the research, development, and implementation of their projects;

(g) Seek matching funds, in-kind contributions, or other sources of support to supplement their proposal;

(h) Use a variety of media, including new technology, and the arts to creatively and strategically appeal to a broad audience while enhancing and enriching community-based educational efforts;

(i) Include in the grant application, scholarly inquiry related to the variety of experiences and impact of the exclusion and detention of persons of Japanese ancestry during World War II; and

(j) Add relevant materials to or catalogue relevant materials in libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

(5) The superintendent of public instruction may adopt other criteria as it deems appropriate for its review of grant proposals. In reviewing projects for funding, scoring shall be based on an evaluation of all application materials including narratives, attachments, support letters, supplementary materials, and other materials that may be requested of applicants.

(6)(a) In the review process, the superintendent of public instruction shall assign the following order of priority to the criteria set forth in subsection (3) of this section:

(i) Subsection (3)(a) through (d) of this section, inclusive, shall be given highest priority; and

(ii) Subsection (3)(e) through (f) of this section, inclusive, shall be given second priority.

(b) The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill its program and mission. Final grant awards may be for the full amount of the grant requests or for a portion of the grant request.

(7) The superintendent of public instruction shall determine the types of applicants eligible to apply for grants under this program.

(8) The office may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts, grants, or endowments or income from public or private sources according to their terms.

NEW SECTION. **Sec. 6.** On or before January 1, 2002, the superintendent of public instruction shall report to the governor and the appropriate fiscal and policy committees of each house of the legislature on the types of grants awarded and the accomplishments of the program established under sections 1 through 5 of this act.

NEW SECTION. **Sec. 7.** This act shall be known as the Washington civil liberties public education act.

NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act are each added to chapter 28A.300 RCW."

Correct the title.

Representatives Tokuda and Wensman spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda, Wensman, Quall, Ruderman, McDonald, Schual-Berke, Eickmeyer and Santos spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1572.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1572 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Radcliff and Scott - 2.

Engrossed Second Substitute House Bill No. 1572, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:00 a.m., Monday, February 14, 2000, the 36th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

THIRTY THIRD DAY, FEBRUARY 11, 2000

JOURNAL OF THE HOUSE

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

THIRTY SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 14, 2000

The House was called to order at 9:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brandi Lindberg and Caitlin Flynn. The Speaker led the Chamber in the Pledge of Allegiance. Prayer was offered by Father Michael Durka, St. George Church, Olympia.

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

MESSAGE FROM THE SENATE

February 11, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,
SUBSTITUTE SENATE BILL NO. 5330,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5540,
SUBSTITUTE SENATE BILL NO. 5590,
SECOND SUBSTITUTE SENATE BILL NO. 5659,
SUBSTITUTE SENATE BILL NO. 6034,
SUBSTITUTE SENATE BILL NO. 6071,
SUBSTITUTE SENATE BILL NO. 6202,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6218,
ENGROSSED SENATE BILL NO. 6232,
SUBSTITUTE SENATE BILL NO. 6244,
SUBSTITUTE SENATE BILL NO. 6259,
SENATE BILL NO. 6272,
SENATE BILL NO. 6285,
SUBSTITUTE SENATE BILL NO. 6294,
SENATE BILL NO. 6298,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6305,
SUBSTITUTE SENATE BILL NO. 6328,
SUBSTITUTE SENATE BILL NO. 6336,
SUBSTITUTE SENATE BILL NO. 6357,
SENATE BILL NO. 6362,
ENGROSSED SENATE BILL NO. 6364,
SUBSTITUTE SENATE BILL NO. 6365,
SENATE BILL NO. 6366,
SUBSTITUTE SENATE BILL NO. 6367,
SUBSTITUTE SENATE BILL NO. 6375,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6389,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6395,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6400,
SUBSTITUTE SENATE BILL NO. 6419,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6432,
SUBSTITUTE SENATE BILL NO. 6442,
SUBSTITUTE SENATE BILL NO. 6459,
SUBSTITUTE SENATE BILL NO. 6467,
SENATE BILL NO. 6515,

SENATE BILL NO. 6518,
SUBSTITUTE SENATE BILL NO. 6589,
SUBSTITUTE SENATE BILL NO. 6626,
SUBSTITUTE SENATE BILL NO. 6645,
SUBSTITUTE SENATE BILL NO. 6675,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6676,
ENGROSSED SENATE BILL NO. 6677,
SUBSTITUTE SENATE BILL NO. 6682,
SENATE BILL NO. 6688,
SENATE BILL NO. 6703,
SUBSTITUTE SENATE BILL NO. 6722,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6731,
SENATE BILL NO. 6741,
SENATE BILL NO. 6748,
SUBSTITUTE SENATE BILL NO. 6812,
ENGROSSED SENATE JOINT MEMORIAL NO. 8015,
and the same are herewith transmitted.

Tony M. Cook, Secretary

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

SECOND READING

HOUSE BILL NO. 2994, by Representatives Parlette, G. Chandler, B. Chandler and Linville
Modifying trust water rights.

The bill was read the second time. There being no objection, Substitute House Bill No. 2994 was substituted for House Bill No. 2994 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2994 was read the second time.

Representative G. Chandler moved the adoption of the following amendment (473):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.14.140 and 1998 c 258 s 1 are each amended to read as follows:

(1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

- (a) Drought, or other unavailability of water;
- (b) Active service in the armed forces of the United States during military crisis;
- (c) Nonvoluntary service in the armed forces of the United States;
- (d) The operation of legal proceedings;
- (e) Federal or state agency leases of or options to purchase lands or water rights which preclude or reduce the use of the right by the owner of the water right;
- (f) Federal laws imposing land or water use restrictions either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas.

(2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right:

(a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW;

(b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply;

(c) If such right is claimed for a determined future development to take place either within fifteen years of July 1, 1967, or the most recent beneficial use of the water right, whichever date is later;

(d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW;

(e) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030; ~~((\oplus))~~

(f) If such right or portion of the right is leased to another person for use on land other than the land to which the right is appurtenant as long as the lessee makes beneficial use of the right in accordance with this chapter and a transfer or change of the right has been approved by the department in accordance with RCW 90.03.380, 90.03.383, 90.03.390, or 90.44.100; or

(g) If such right is a trust water right under chapter 90.38 or 90.42 RCW.

Sec. 2. RCW 90.38.020 and 1989 c 429 s 3 are each amended to read as follows:

(1)(a) The department may acquire water rights, including but not limited to storage rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights. A water right acquired by the state that is expressly conditioned to limit its use to instream purposes shall be administered as a trust water right in compliance with that condition.

(b) If an aquatic species is listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) for a body of water, certain instream flows are needed for the species, and the holder of a right to water from the body of water chooses to donate all or a portion of the person's water right to the trust water system to assist in providing those instream flows on a temporary or permanent basis, the department shall accept the donation on such terms as the person may prescribe as long as the donation satisfies the requirements of subsection (4) of this section. Once accepted, such rights are trust water rights within the conditions prescribed by the donor.

(2) The department may make such other arrangements, including entry into contracts with other persons or entities as appropriate to ensure that trust water rights acquired in accordance with this chapter can be exercised to the fullest possible extent.

(3) The trust water rights may be acquired on a temporary or permanent basis.

(4) A water right donated under subsection (1)(b) of this section shall not exceed the extent to which the water right was exercised during any of the five years before the donation nor may the total of any portion of the water right remaining with the donor plus the donated portion of the water right exceed the extent to which the water right was exercised during any of the five years before the donation. If, upon appeal from a determination by the department, it is found that exercising the trust

water right resulting from the donation or exercising a portion of that trust water right impairs existing water rights in violation of RCW 90.38.902, the donation shall be altered to eliminate the impairment.

(5) Any water right conveyed to the trust water right system that is expressly conditioned to limit its use to instream purposes shall be managed by the department for public purposes to ensure that it qualifies as a gift that is deductible for federal income taxation purposes for the person or entity conveying the water right.

Sec. 3. RCW 90.38.040 and 1994 c 264 s 90 are each amended to read as follows:

(1) All trust water rights acquired by the department shall be placed in the Yakima river basin trust water rights program to be managed by the department. The department shall issue a water right certificate in the name of the state of Washington for each trust water right it acquires.

(2) Trust water rights shall retain the same priority date as the water right from which they originated. Trust water rights may be modified as to purpose or place of use or point of diversion, including modification from a diversionary use to a nondiversionary instream use.

(3) Trust water rights may be held by the department for instream flows and/or irrigation use.

(4) A schedule of the amount of net water saved as a result of water conservation projects carried out in accordance with this chapter, shall be developed annually to reflect the predicted hydrologic and water supply conditions, as well as anticipated water demands, for the upcoming irrigation season. This schedule shall serve as the basis for the distribution and management of trust water rights each year.

(5)(a) No exercise of a trust water right may be authorized unless the department first determines that no existing water rights, junior or senior in priority, will be impaired as to their exercise or injured in any manner whatever by such authorization. Before any trust water right is exercised, the department shall publish notice thereof in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in such other newspapers as the department determines are necessary, once a week for two consecutive weeks. At the same time the department may also send notice thereof containing pertinent information to the director of fish and wildlife.

(b) Subsection (5)(a) of this section does not apply to a trust water right resulting from a donation for instream flows described in RCW 90.38.020(1). However, the department shall provide the notice described in (a) of this subsection the first time the trust water right resulting from the donation is exercised.

(6) RCW 90.03.380 and 90.14.140 through 90.14.910 shall have no applicability to trust water rights held by the department under this chapter or exercised under this section.

Sec. 4. RCW 90.42.040 and 1993 c 98 s 3 are each amended to read as follows:

(1) All trust water rights acquired by the state shall be placed in the state trust water rights program to be managed by the department. Trust water rights acquired by the state shall be held or authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable regional plans for pilot planning areas, or to resolve critical water supply problems.

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right conveyed to the state indicating the reach or reaches of the stream, the quantity, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect the changes in purpose or place of use or point of diversion or withdrawal. Water rights for which such nonpermanent conveyances are arranged shall not be subject to relinquishment for nonuse.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between them the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties.

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.

(8) Subsections (4) and (5) of this section do not apply to a trust water right resulting from a donation for instream flows described in RCW 90.42.080(1)(b). However, the department shall provide the notice described in subsection (5) of this section the first time the trust water right resulting from the donation is exercised.

Sec. 5. RCW 90.42.080 and 1993 c 98 s 4 are each amended to read as follows:

(1)(a) The state may acquire all or portions of existing water rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights. A water right acquired by the state that is expressly conditioned to limit its use to instream purposes shall be administered as a trust water right in compliance with that condition.

(b) If an aquatic species is listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) for a body of water, certain instream flows are needed for the species, and the holder of a right to water from the body of water chooses to donate all or a portion of the person's water right to the trust water system to assist in providing those instream flows on a temporary or permanent basis, the department shall accept the donation on such terms as the person may prescribe as long as the donation satisfies the requirements of subsection (4) of this section. Once accepted, such rights are trust water rights within the conditions prescribed by the donor.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) A water right donated under subsection (1)(b) of this section shall not exceed the extent to which the water right was exercised during any of the five years before the donation nor may the total of any portion of the water right remaining with the donor plus the donated portion of the water right exceed the extent to which the water right was exercised during any of the five years before the donation. If, upon appeal from a determination by the department, it is found that exercising the trust water right resulting from the donation or exercising a portion of that trust water right impairs existing water rights in violation of RCW 90.42.070, the donation shall be altered to eliminate the impairment.

(5) The provisions of RCW 90.03.380 and 90.03.390 do not apply to donations for instream flows described in subsection (1)(b) of this section, but do apply to other transfers of water rights under this section.

~~((5))~~ (6) No funds may be expended for the purchase of water rights by the state pursuant to this section unless specifically appropriated for this purpose by the legislature.

(7) Any water right conveyed to the trust water right system that is expressly conditioned to limit its use to instream purposes shall be managed by the department for public purposes to ensure that it qualifies as a gift that is deductible for federal income taxation purposes for the person or entity conveying the water right."

Correct the title.

Representatives G. Chandler and Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Parlette, G. Chandler and Dunshee spoke in favor of passage of the bill.

COLLOQUY

Representative Linville: The bill establishes special procedures that apply if there has been an ESA listing and a person voluntarily donates on a temporary or permanent basis all or part of the person's water right to the trust water right system to assist in providing needed instream flows. Once the bill is enacted, could the state still lease or purchase such a water right for the trust water right system in an area with an ESA listing?

Representative G. Chandler: Yes. The donation procedure established by the bill is simply another option to the procedures currently provided by law for a person to provide, on a voluntary basis, a water right for management in the trust water right system. Through contracts voluntarily entered by water right holders, the Department of Ecology could still lease or purchase water rights in the area of the ESA listing for the trust water right system in the manner currently provided by law.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2994.

MOTIONS

On motion of Representative Wolfe, Representatives Eickmeyer and Scott were excused. On motion of Representative Schoesler, Representative Radcliff was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2994 and the bill passed the House by the following vote: Yeas - 88, Nays - 7, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 88.

Voting nay: Representatives Cody, Constantine, Fisher, Murray, Regala, Romero and Wolfe - 7.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed Substitute House Bill No. 2994, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2588, by Representatives Tokuda, D. Sommers, Kagi, Boldt, Kenney, Dickerson, Ogden, Veloria, Haigh, Santos, Romero, O'Brien, Edwards, Constantine, Rockefeller, Miloscia and McIntire

Creating domestic violence fatality review panels.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2588 was substituted for House Bill No. 2588 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2588 was read the second time.

Representative Tokuda moved the adoption of the following amendment (477):

On page 3, line 7, after "(f)" strike all material through "issues" on line 8 and insert "Local health department staff"

Representatives Tokuda and D. Sommers spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Tokuda moved the adoption of the following amendment (478):

On page 4, line 18, after "review." insert "The coordinating entity and the regional review panels shall maintain the confidentiality of such information to the extent required by any applicable law."

Representatives Tokuda and D. Sommers spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda and D. Sommers spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2588.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2588 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick,

Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed Second Substitute House Bill No. 2588, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2461, by Representatives Reardon, Santos, Ruderman and Grant

Acknowledging the satisfaction of a judgment.

The bill was read the second time. There being no objection, Substitute House Bill No. 2461 was substituted for House Bill No. 2461 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2461 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Reardon spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2461.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2461 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Esser and Lambert - 2.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Substitute House Bill No. 2461, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4715, by Representatives Edmonds, Kagi, Talcott and Thomas

WHEREAS, Reading is a life skill that invites the reader's imagination to soar within and without the covers of a book; and

WHEREAS, Reading is like a mosaic guiding the reader to look at multiple meanings, and new words and ideas never before thought of; and

WHEREAS, A new world unfolds and knowledge comes to life while children and adults read to learn, read to laugh, and read to explore; and

WHEREAS, Reading can take you to magical kingdoms, lead you to scientific discoveries, guide you through recipes, and direct you to your destinations; and

WHEREAS, The cities of Shoreline and Lake Forest Park put reading as a top priority through the Reading Counts 2000 program; and

WHEREAS, The Shoreline School District has joined with local businesses and government to promote reading throughout the community; and

WHEREAS, We the residents of those cities will unite, take a stand, and make a visible commitment as readers, declaring "Reading 2000, make it count! Spend a day in celebration of reading";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the Shoreline School District, City of Shoreline, City of Lake Forest Park, and the residents therein for their dedication and commitment to reading; and

BE IT FURTHER RESOLVED, That the members of the House of Representatives join with Shoreline and Lake Forest Park in recognizing March 2nd as Read Across Shoreline and Lake Forest Park Day; and

BE IT FURTHER RESOLVED, That the House of Representatives hereby encourages every citizen of the State of Washington to make reading a priority and to take the time to read with a child.

House Resolution No. 2000-4715 was adopted.

HOUSE BILL NO. 2738, by Representatives Dickerson, Clements, Romero and Miloscia

Giving the office of financial management oversight over state agency personal service contracting practices.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2738 was substituted for House Bill No. 2738 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2738 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 2738.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2738 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick,

Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Second Substitute House Bill No. 2738, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2858, by Representatives D. Schmidt, Dunshee, Ruderman and Edwards; by request of Governor Locke

Eliminating certain reports to the legislature.

The bill was read the second time. There being no objection, Substitute House Bill No. 2858 was substituted for House Bill No. 2858 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2858 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmidt and Romero spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2858.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2858 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Substitute House Bill No. 2858, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 3076, by Representatives G. Chandler, Fisher, Mitchell, Cooper, Hankins, Skinner, Ericksen, McDonald, Radcliff, Mulliken and Pflug

Convening a workshop on streamlining project permit processes.

The bill was read the second time. There being no objection, Substitute House Bill No. 3076 was substituted for House Bill No. 3076 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 3076 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Fisher spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 3076.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3076 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Substitute House Bill No. 3076, having received the constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED HOUSE BILL NO. 1085, by Representatives Dunn, Conway, Lambert and Esser

Penalizing possession of stolen checks.

Representatives Dunn and Conway spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 1085.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1085 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed House Bill No. 1085, having received the constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2365, by Representatives Haigh, Pennington, Eickmeyer, Dunshee and Hurst

Exempting certain leasehold interests from leasehold excise tax.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Dunshee and Pennington spoke in favor of passage of the bill.

Representatives Thomas, Carrell and Van Luven spoke against the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2365.

MOTION

On motion of Representative Wolfe, Representative Kastama was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2365 and the bill passed the House by the following vote: Yeas - 56, Nays - 38, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Bush, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Fisher, Fortunato, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, McDonald, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Pennington, Poulsen, Quall, Regala, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, H. Sommers, Stensen, Sullivan, Thomas, Tokuda, Voloria, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 56.

Voting nay: Representatives Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Crouse, Delvin, Dunn, Ericksen, Esser, Hankins, Huff, Koster, Lambert, Lisk, Mastin, McMorris, Mielke, Mitchell, Mulliken, Parlette, Pflug, Reardon, Schindler, Schmidt, Schoesler, Skinner, D. Sommers, Sump, Talcott, Van Luven, Wensman and Woods - 38.

Excused: Representatives Eickmeyer, Kastama, Radcliff and Scott - 4.

House Bill No. 2365, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2406, by Representatives Regala and Buck

Changing salmon recovery provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2406 was substituted for House Bill No. 2406 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2406 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala, Buck and Sump spoke in favor of passage of the bill.

Representatives Pennington and Ericksen spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2406.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2406 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Ericksen and Pennington - 2.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Substitute House Bill No. 2406, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2481, by Representatives Koster, Edmonds, Esser, O'Brien, Schoesler, Barlean, Alexander, Dunn, Thomas and Ruderman

Requiring predesign review of capital projects to consider leasing space as an alternative.

The bill was read the second time. There being no objection, Substitute House Bill No. 2481 was substituted for House Bill No. 2481 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2481 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Koster, Edmonds and Alexander spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2481.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2481 and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Dickerson, Lantz, Romero and Wolfe - 4.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Substitute House Bill No. 2481, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2671, by Representatives Thomas, Dunshee and Fortunato

Establishing procedures for handling tax billing errors.

The bill was read the second time. There being no objection, Substitute House Bill No. 2671 was substituted for House Bill No. 2671 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2671 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thomas and Dunshee spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2671.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2671 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff,

Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Substitute House Bill No. 2671, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKERS

The Speakers signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337,

SECOND READING

HOUSE BILL NO. 2673, by Representatives Lambert, Ruderman, Cox, McIntire, Carrell, Edwards, Sump, Miloscia, Woods, Romero, Bush, Stensen, Esser, Keiser, Rockefeller, Morris, Koster, Edmonds, Ericksen, Lantz, Mulliken, Campbell and O'Brien

Allowing e-mail to constituents at any time.

The bill was read the second time. There being no objection, Substitute House Bill No. 2673 was substituted for House Bill No. 2673 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2673 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Ruderman spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2673.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2673 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Substitute House Bill No. 2673, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2848, by Representatives Hatfield, Benson and Keiser; by request of Insurance Commissioner

Safeguarding securities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hatfield spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2848.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2848 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Doumit - 1.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

House Bill No. 2848, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2848.

MARK DOUMIT, 19th District

HOUSE BILL NO. 2886, by Representatives Barlean, Keiser, Benson and Hatfield

Exempting certain service contracts from regulation.

The bill was read the second time. There being no objection, Substitute House Bill No. 2886 was substituted for House Bill No. 2886 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2886 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barlean and Keiser spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2886.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2886 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Sullivan - 1.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Substitute House Bill No. 2886, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2920, by Representatives Dunshee, Radcliff, Thomas, Eickmeyer, Skinner and Santos

Exempting community radio stations from property taxation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Schmidt spoke in favor of passage of the bill.

Representative Carrell spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2920.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2920 and the bill passed the House by the following vote: Yeas - 86, Nays - 9, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia,

Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Thomas, Tokuda, Veloria, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 86.

Voting nay: Representatives Carlson, Carrell, B. Chandler, Esser, Fortunato, Lisk, Talcott, Van Luven and Wensman - 9.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

House Bill No. 2920, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2995, by Representatives G. Chandler and Linville

Modifying provisions concerning apiaries.

The bill was read the second time.

Representative G. Chandler moved the adoption of the following amendment (492):

On page 4, line 37, after "other" strike "advice" and insert "information"

Representatives G. Chandler and Cooper spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Cooper spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 2995.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2995, and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Kastama, Morris, Romero and Thomas - 4.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed House Bill No. 2995, having received the constitutional majority, was declared passed.

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

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 1987, by House Committee on Finance
(originally sponsored by Representatives Schoesler, Grant and G. Chandler)

Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed.

There being no objection, Second Substitute House Bill No. 1987 was returned to second reading for purpose of amendments.

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

SECOND READING

Representative Grant moved the adoption of the following amendment (491):

On page 2, line 10, strike "exclusively" and insert "more than half of the time"

On page 2, line 32, strike "exclusively" and insert "more than half of the time"

Representatives Grant and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Grant moved the adoption of the following amendment (496):

On page 2, line 26, strike "2005" and insert "2006"

On page 3, line 6, strike "2005" and insert "2006"

On page 3, line 27, strike "2005" and insert "2006"

On page 3, beginning on line 32, after "in" strike everything through "2006" on line 33 and insert "2001 through 2006. This section expires January 1, 2007"

Representatives Grant and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Grant spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1987.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1987, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed Second Substitute House Bill No. 1987, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 14, 2000

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE HOUSE BILL 2337, and the same is herewith transmitted.

Tony M. Cook, Secretary

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1210, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Campbell, O'Brien, DeBolt, Bush, Sullivan, Kastama, Conway, Delvin, Lovick, Esser, Carrell and Hurst)

Enhancing penalties for manufacturing methamphetamines inside a conveyance.

Representatives Campbell and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1210.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1210 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero,

Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed Substitute House Bill No. 1210, having received the constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2881, by Representatives Crouse, Poulsen and Eickmeyer; by request of Governor Locke

Allowing new forms of regulation of telecommunications companies.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Technology, Telecommunications and Energy were adopted. (For committee amendment(s), see Journal, 26th Day, February 4, 2000.)

Representative Crouse moved the adoption of the following amendment (499):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.36.135 and 1995 c 110 s 5 are each amended to read as follows:

(1) The legislature declares that:

(a) Changes in technology and the structure of the telecommunications industry may produce conditions under which traditional rate of return, rate base regulation of telecommunications companies may not in all cases provide the most efficient and effective means of achieving the public policy goals of this state as declared in RCW 80.36.300, this section, and RCW 80.36.145. The commission should be authorized to employ an alternative form of regulation if that alternative is better suited to achieving those policy goals.

(b) Because of the great diversity in the scope and type of services provided by telecommunications companies, alternative regulatory arrangements that meet the varying circumstances of different companies and their ratepayers may be desirable.

(2) Subject to the conditions set forth in this chapter and RCW 80.04.130, the commission may regulate telecommunications companies subject ((before July 23, 1989,)) to traditional rate of return, rate base regulation by authorizing an alternative form of regulation. The commission may determine the manner and extent of any alternative forms of regulation as may in the public interest be appropriate. In addition to the public policy goals declared in RCW 80.36.300, the commission shall consider, in determining the appropriateness of any proposed alternative form of regulation, whether it will:

- (a) ~~((Reduce regulatory delay and costs;~~
- (b) ~~Encourage innovation in services;~~
- (c) ~~Promote efficiency;~~
- (d) ~~Facilitate the broad dissemination of technological improvements to all classes of ratepayers;~~
- (e) ~~Enhance the ability of telecommunications companies to respond to competition;~~
- (f) ~~Ensure that telecommunications companies do not have the opportunity to exercise substantial market power absent effective competition or effective regulatory constraints; and~~
- (g) ~~Provide fair, just, and reasonable rates for all ratepayers.~~

~~The commission shall make written findings of fact as to each of the above stated policy goals in ruling on any proposed alternative form of regulation))~~ Facilitate the broad deployment of technological improvements and advanced telecommunications services to underserved areas or underserved customer classes;

(b) Improve the efficiency of the regulatory process;

(c) Preserve or enhance the development of effective competition and protect against the exercise of market power during its development;

(d) Preserve or enhance service quality and protect against the degradation of the quality or availability of efficient telecommunications services;

(e) Provide for rates and charges that are fair, just, reasonable, sufficient, and not unduly discriminatory or preferential; and

(f) Not unduly or unreasonably prejudice or disadvantage any particular customer class.

(3) A telecommunications company or companies subject to traditional rate of return, rate base regulation may petition the commission to establish an alternative form of regulation. The company or companies shall submit with the petition a plan for an alternative form of regulation. The plan shall contain a proposal for transition to the alternative form of regulation(~~(The commission shall review and may modify or reject the proposed))~~) and the proposed duration of the plan. The plan must also contain a proposal for ensuring adequate carrier-to-carrier service quality, including service quality standards or performance measures for interconnection, and appropriate enforcement or remedial provisions in the event the company fails to meet service quality standards or performance measures. The commission also may initiate consideration of alternative forms of regulation for a company or companies on its own motion. The commission (~~(may approve the plan or modified plan and authorize its implementation, if it finds, after notice and hearing, that the plan or modified plan:~~

~~(a) Is in the public interest;~~

~~(b) Is necessary to respond to such changes in technology and the structure of the intrastate telecommunications industry as are in fact occurring;~~

~~(c) Is better suited to achieving the policy goals set forth in RCW 80.36.300 and this section than the traditional rate of return, rate base regulation;~~

~~(d) Ensures that ratepayers will benefit from any efficiency gains and cost savings arising out of the regulatory change and will afford ratepayers the opportunity to benefit from improvements in productivity due to technological change;~~

~~(e) Will not result in a degradation of the quality or availability of efficient telecommunications services;~~

~~(f) Will produce fair, just, and reasonable rates for telecommunications services; and~~

~~(g) Will not unduly or unreasonably prejudice or disadvantage any particular customer class.))~~

after notice and hearing, shall issue an order accepting, modifying, or rejecting the plan within nine months after the petition or motion is filed, unless extended by the commission for good cause. The commission shall order implementation of the alternative plan of regulation unless it finds that, on balance, an alternative plan as proposed or modified fails to meet the considerations stated in subsection (2) of this section.

(4) Not later than sixty days from the entry of the commission's order, the company or companies affected by the order may file with the commission an election not to proceed with the alternative form of regulation as authorized by the commission. (~~(If a company elects to appeal to the courts the final order of the commission authorizing an alternative form of regulation, it shall not change its election to proceed or not proceed after the appeal is concluded. The pendency of a petition by a company for judicial review of the final order shall not serve to extend the sixty day period.))~~)

(5) The commission may waive such regulatory requirements under Title 80 RCW for a telecommunications company subject to an alternative form of regulation as may be appropriate to facilitate the implementation of this section(~~(: PROVIDED, That the commission may not grant the authority to price list services except as provided in RCW 80.36.300 through 80.36.370, the regulatory flexibility act, nor may it waive any statutory requirements or grants of legal rights to any person contained in this chapter and chapter 80.04 RCW as amended, except as otherwise expressly provided)).~~ However, the commission may not waive any grant of legal rights to any person contained

in this chapter and chapter 80.04 RCW. The commission may waive different regulatory requirements for different companies or services if such different treatment is in the public interest.

(6) Upon petition by ~~((any person, or upon its own motion))~~ the company, and after notice and hearing, the commission may rescind ~~((its approval of))~~ or modify an alternative form of regulation ~~((if, after notice and hearing, it finds that the conditions set forth in subsection (3) of this section can no longer be satisfied. The commission or any person may file a complaint alleging that the rates charged by a telecommunications company under an alternative form of regulation are unfair, unjust, unreasonable, unduly discriminatory, or are otherwise not consistent with the requirements of chapter 101, Laws of 1989: PROVIDED, That the complainant shall bear the burden of proving the allegations in the complaint))~~ in the manner requested by the company.

(7) The commission or any person may file a complaint under RCW 80.04.110 alleging that a telecommunications company under an alternative form of regulation has not complied with the terms and conditions set forth in the alternative form of regulation. The complainant shall bear the burden of proving the allegations in the complaint."

Correct the title.

Representatives Crouse and Poulsen spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Crouse and Poulsen spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 2881.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2881, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representative Van Luven - 1.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed House Bill No. 2881, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 3124, by Representatives H. Sommers, Huff, Kessler, Ballasiotes, O'Brien and Alexander

Revising sentencing for sexually violent predators.

The bill was read the second time. There being no objection, Substitute House Bill No. 3124 was substituted for House Bill No. 3124 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 3124 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

There being no objection, the House deferred action on Substitute House Bill No. 3124, and the bill held its place on the Third Reading calendar.

HOUSE BILL NO. 2609, by Representatives Carrell, Constantine, Mulliken and G. Chandler

Allowing agents to give notice of dishonored checks.

The bill was read the second time.

Representative Constantine moved the adoption of the following amendment (503):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 62A.3-515 and 1995 c 187 s 1 are each amended to read as follows:

(a) If a check as defined in RCW 62A.3-104 is dishonored by nonacceptance or nonpayment, the payee or ~~((holder of the check is entitled to))~~ person entitled to enforce the check under RCW 62A.3-301 may collect a reasonable handling fee for each instrument. If the check is not paid within fifteen days and after the ~~((holder of the check))~~ person entitled to enforce the check or the person's agent sends a notice of dishonor as provided by RCW 62A.3-520 to the drawer at the drawer's last known address, and if the instrument does not provide for the payment of interest or collection costs and attorneys' fees, the drawer of the instrument is liable for payment of interest at the rate of twelve percent per annum from the date of dishonor, and cost of collection not to exceed forty dollars or the face amount of the check, whichever is less, payable to the person entitled to enforce the check. In addition, in the event of court action on the check, the court, after notice and the expiration of the fifteen days, shall award reasonable attorneys' fees, and three times the face amount of the check or three hundred dollars, whichever is less, as part of the damages payable to the ~~((holder of))~~ person enforcing the check. This section does not apply to an instrument that is dishonored by reason of a justifiable stop payment order.

(b)(1) Subsequent to the commencement of an action on the check (subsection (a)) but prior to the hearing, the defendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the face amount of the check, a reasonable handling fee, accrued interest, collection costs equal to the face amount of the check not to exceed forty dollars, and the incurred court costs, service costs, and statutory attorneys' fees.

(2) Nothing in this section precludes the right to commence action in a court under chapter 12.40 RCW for small claims.

Sec. 2. RCW 62A.3-522 and 1993 c 229 s 69 are each amended to read as follows:

In addition to sending a notice of dishonor to the drawer of the check under RCW 62A.3-520, the ~~((holder of the check))~~ person sending notice shall execute an affidavit certifying service of the notice by mail. The affidavit of service by mail must be attached to a copy of the notice of dishonor and must be substantially in the following form:

AFFIDAVIT OF SERVICE BY MAIL

I,, hereby certify that on the day of, ((19)) 20. . ., a copy of the foregoing Notice was served on by mailing via the United States Postal Service, postage prepaid, at, Washington.

Dated:

(Signature)

The ((holder)) person enforcing the check shall retain the affidavit with the check but shall file a copy of the affidavit with the clerk of the court in which an action on the check is commenced.

Sec. 3. RCW 62A.3-525 and 1993 c 229 s 70 are each amended to read as follows:

No interest, collection costs, and attorneys' fees, except handling fees, are recoverable on any dishonored check under the provisions of RCW 62A.3-515 where ((the holder of the check or)) a person entitled to such recovery or any agent, employee, or assign ((of the holder)) has demanded:

- (1) Interest or collection costs in excess of that provided by RCW 62A.3-515; or
- (2) Interest or collection costs prior to the expiration of fifteen days after the mailing of notice of dishonor, as provided by RCW 62A.3-515 and 62A.3-520; or
- (3) Attorneys' fees either without having the fees set by the court, or prior to the expiration of fifteen days after the mailing of notice of dishonor, as provided by RCW 62A.3-515 and 62A.3-520."

Correct the title.

Representatives Constantine and Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Constantine spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 2609.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2609, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed House Bill No. 2609, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2884, by Representatives Constantine, Carlson, Grant, Radcliff, Kastama, Mastin, Keiser, Ruderman, Kessler, Dickerson, Tokuda, D. Sommers and Stensen

Providing notice requirements for parents subject to court orders and standards regarding residential time or visitation.

The bill was read the second time. There being no objection, Substitute House Bill No. 2884 was substituted for House Bill No. 2884 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2884 was read the second time.

Representative Constantine moved the adoption of the following amendment (502):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. By this act, the legislature intends to supersede the state supreme court's decisions *In Re the Marriage of Littlefield*, 133 Wn.2d 39 (1997), and *In Re the Marriage of Pape*, Docket No. 67527-9, December 23, 1999.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout sections 2 through 18 of this act and RCW 26.09.260 unless the context clearly requires otherwise.

(1) "Court order" means a temporary or permanent parenting plan, custody order, visitation order, or other order governing the residence of a child under this title.

(2) "Relocate" means a change in principal residence either permanently or for a protracted period of time.

NEW SECTION. Sec. 3. APPLICABILITY. (1) The provisions of this act apply to a court order regarding residential time or visitation with a child issued:

(a) After the effective date of this act; and

(b) Before the effective date of this act, if the existing court order does not expressly govern relocation of the child.

(2) To the extent that a provision of this act conflicts with the express terms of a court order existing prior to the effective date of this act, then this act does not apply to those terms of that order governing relocation of the child.

NEW SECTION. Sec. 4. GRANT OF AUTHORITY. When entering or modifying a court order, the court has the authority to allow or not allow a person to relocate the child.

NEW SECTION. Sec. 5. NOTICE REQUIREMENT. Except as provided in section 8 of this act, a person with whom the child resides a majority of the time shall notify every other person entitled to residential time or visitation with the child under a court order if the person intends to relocate. Notice shall be given as prescribed in sections 6 and 7 of this act.

NEW SECTION. Sec. 6. NOTICE--CONTENTS AND DELIVERY. (1) Except as provided in sections 7 and 8 of this act, the notice of an intended relocation of the child must be given by:

(a) Personal service or any form of mail requiring a return receipt; and

(b) No less than:

(i) Sixty days before the date of the intended relocation of the child; or

(ii) No more than five days after the date that the person knows the information required to be furnished under subsection (2) of this section, if the person did not know and could not reasonably have known the information in sufficient time to provide the sixty-days' notice, and it is not reasonable to delay the relocation.

(2)(a) The notice of intended relocation of the child must include: (i) An address at which service of process may be accomplished during the period for objection; (ii) a brief statement of the specific reasons for the intended relocation of the child; and (iii) a notice to the nonrelocating person that an objection to the intended relocation of the child or to the relocating person's proposed revised residential schedule must be filed with the court and served on the opposing person within thirty days or the relocation of the child will be permitted and the residential schedule may be modified pursuant to section 12 of this act. The notice shall not be deemed to be in substantial compliance for purposes of section 9 of this act unless the notice contains the following statement: "THE RELOCATION OF THE CHILD WILL BE PERMITTED AND THE PROPOSED REVISED RESIDENTIAL SCHEDULE MAY BE CONFIRMED UNLESS, WITHIN THIRTY DAYS, YOU FILE A PETITION AND MOTION WITH THE COURT TO BLOCK THE RELOCATION OR OBJECT TO THE PROPOSED REVISED RESIDENTIAL SCHEDULE AND SERVE THE PETITION AND MOTION ON THE PERSON PROPOSING RELOCATION AND ALL OTHER PERSONS ENTITLED BY COURT ORDER TO RESIDENTIAL TIME OR VISITATION WITH THE CHILD."

(b) Except as provided in sections 7 and 8 of this act, the following information shall also be included in every notice of intended relocation of the child, if available:

- (i) The specific street address of the intended new residence, if known, or as much of the intended address as is known, such as city and state;
- (ii) The new mailing address, if different from the intended new residence address;
- (iii) The new home telephone number;
- (iv) The name and address of the child's new school and day care facility, if applicable;
- (v) The date of the intended relocation of the child; and
- (vi) A proposal in the form of a proposed parenting plan for a revised schedule of residential time or visitation with the child, if any.

(3) A person required to give notice of an intended relocation of the child has a continuing duty to promptly update the information required with the notice as that new information becomes known.

NEW SECTION. Sec. 7. NOTICE--RELOCATION WITHIN THE SAME SCHOOL DISTRICT. (1) When the intended relocation of the child is within the school district in which the child currently resides the majority of the time, the person intending to relocate the child, in lieu of notice prescribed in section 6 of this act, may provide actual notice by any reasonable means to every other person entitled to residential time or visitation with the child under a court order.

(2) A person who is entitled to residential time or visitation with the child under a court order may not object to the intended relocation of the child within the school district in which the child currently resides the majority of the time, but he or she retains the right to move for modification under RCW 26.09.260.

NEW SECTION. Sec. 8. LIMITATION OF NOTICES. (1) If a person intending to relocate the child is entering a domestic violence shelter due to the danger imposed by another person, notice may be delayed for twenty-one days. This section shall not be construed to compel the disclosure by any domestic violence shelter of information protected by confidentiality except as provided by RCW 70.123.075 or equivalent laws of the state in which the shelter is located.

(2) If a person intending to relocate the child is a participant in the address confidentiality program pursuant to chapter 40.24 RCW or has a court order which permits the party to withhold some or all of the information required by section 6(2)(b) of this act, the confidential or protected information is not required to be given with the notice.

(3) If a person intending to relocate the child is relocating to avoid a clear, immediate, and unreasonable risk to the health or safety of a person or the child, notice may be delayed for twenty-one days.

(4) A person intending to relocate the child who believes that his or her health or safety or the health or safety of the child would be unreasonably put at risk by notice or disclosure of certain information in the notice may request an Representative(s) * was/were excused. parte hearing with the court to have all or part of the notice requirements waived. If the court finds that the health or safety

of a person or a child would be unreasonably put at risk by notice or the disclosure of certain information in the notice, the court may:

- (a) Order that the notice requirements be less than complete or waived to the extent necessary to protect confidentiality or the health or safety of a person or child; or
 - (b) Provide such other relief as the court finds necessary to facilitate the legitimate needs of the parties and the best interests of the child under the circumstances.
- (5) This section does not deprive a person entitled to residential time or visitation with a child under a court order the opportunity to object to the intended relocation of the child or the proposed revised residential schedule before the relocation occurs.

NEW SECTION. Sec. 9. FAILURE TO GIVE NOTICE. (1) The failure to provide the required notice is grounds for sanctions, including contempt if applicable.

(2) In determining whether a person has failed to comply with the notice requirements for the purposes of this section, the court may consider whether:

- (a) The person has substantially complied with the notice requirements;
 - (b) The court order in effect at the time of the relocation was issued prior to the effective date of this act and the person substantially complied with the notice requirements, if any, in the existing order;
 - (c) A waiver of notice was granted;
 - (d) A person entitled to receive notice was substantially harmed; and
 - (e) Any other factor the court deems relevant.
- (3) A person entitled to file an objection to the intended relocation of the child may file such objection whether or not the person has received proper notice.

NEW SECTION. Sec. 10. OBJECTION TO RELOCATION OR PROPOSED REVISED RESIDENTIAL SCHEDULE. (1) A party objecting to the intended relocation of the child or the relocating parent's proposed revised residential schedule shall do so by filing the objection with the court and serving the objection on the relocating party and all other persons entitled by court order to residential time or visitation with the child by means of personal service or mailing by any form of mail requiring a return receipt to the relocating party at the address designated for service on the notice of intended relocation and to other parties requiring notice at their mailing address. The objection must be filed and served, including a three-day waiting period if the objection is served by mail, within thirty days of receipt of the notice of intended relocation of the child. The objection shall be in the form of: (a) A petition for modification of the parenting plan pursuant to relocation; or (b) other court proceeding adequate to provide grounds for relief.

(2) Unless the special circumstances described in section 8 of this act apply, the person intending to relocate the child shall not, without a court order, change the principal residence of the child during the period in which a party may object. The order required under this subsection may be obtained Representative(s) * was/were excused. parte. If the objecting party notes a court hearing to prevent the relocation of the child for a date not more than fifteen days following timely service of an objection to relocation, the party intending to relocate the child shall not change the principal residence of the child pending the hearing unless the special circumstances described in section 8(3) of this act apply.

(3) The administrator for the courts shall develop a standard form, separate from existing dissolution or modification forms, for use in filing an objection to relocation of the child or objection of the relocating person's proposed revised residential schedule.

NEW SECTION. Sec. 11. REQUIRED PROVISION IN RESIDENTIAL ORDERS. Unless waived by court order, after the effective date of this act, every court order shall include a clear restatement of the provisions in sections 5 through 10 of this act.

NEW SECTION. Sec. 12. FAILURE TO OBJECT. (1) Except for good cause shown, if a person entitled to object to the relocation of the child does not file an objection with the court within thirty days after receipt of the relocation notice, then the relocation of the child shall be permitted.

(2) A nonobjecting person shall be entitled to the residential time or visitation with the child specified in the proposed residential schedule included with the relocation notice.

(3) Any person entitled to residential time or visitation with a child under a court order retains his or her right to move for modification under RCW 26.09.260.

(4) If a person entitled to object to the relocation of the child does not file an objection with the court within thirty days after receipt of the relocation notice, a person entitled to residential time with the child may not be held in contempt of court for any act or omission that is in compliance with the proposed revised residential schedule set forth in the notice given.

(5) Any party entitled to residential time or visitation with the child under a court order may, after thirty days have elapsed since the receipt of the notice, obtain Representative(s) * was/were excused. parte and file with the court an order modifying the residential schedule in conformity with the relocating party's proposed residential schedule specified in the notice upon filing a copy of the notice and proof of service of such notice. A party may obtain Representative(s) * was/were excused. parte and file with the court an order modifying the residential schedule in conformity with the proposed residential schedule specified in the notice before the thirty days have elapsed if the party files a copy of the notice, proof of service of such notice, and proof that no objection will be filed.

NEW SECTION. Sec. 13. TEMPORARY ORDERS. (1) The court may grant a temporary order restraining relocation of the child, or ordering return of the child if the child's relocation has occurred, if the court finds:

(a) The required notice of an intended relocation of the child was not provided in a timely manner and the nonrelocating party was substantially prejudiced;

(b) The relocation of the child has occurred without agreement of the parties, court order, or the notice required by this act; or

(c) After examining evidence presented at a hearing for temporary orders in which the parties had adequate opportunity to prepare and be heard, there is a likelihood that on final hearing the court will not approve the intended relocation of the child or no circumstances exist sufficient to warrant a relocation of the child prior to a final determination at trial.

(2) The court may grant a temporary order authorizing the intended relocation of the child pending final hearing if the court finds:

(a) The required notice of an intended relocation of the child was provided in a timely manner or that the circumstances otherwise warrant issuance of a temporary order in the absence of compliance with the notice requirements and issues an order for a revised schedule for residential time with the child; and

(b) After examining the evidence presented at a hearing for temporary orders in which the parties had adequate opportunity to prepare and be heard, there is a likelihood that on final hearing the court will approve the intended relocation of the child.

NEW SECTION. Sec. 14. BASIS FOR DETERMINATION. The person proposing to relocate with the child shall provide his or her reasons for the intended relocation. There is a rebuttable presumption that the intended relocation of the child will be permitted. A person entitled to object to the intended relocation of the child may rebut the presumption by demonstrating that the detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating person, based upon the following factors. The factors listed in this section are not weighted. No inference is to be drawn from the order in which the following factors are listed:

(1) The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life;

(2) Prior agreements of the parties;

(3) Whether disrupting the contact between the child and the person with whom the child resides a majority of the time would be more detrimental to the child than disrupting contact between the child and the person objecting to the relocation;

(4) Whether either parent or a person entitled to residential time with the child is subject to limitations under RCW 26.09.191;

(5) The reasons of each person for seeking or opposing the relocation and the good faith of each of the parties in requesting or opposing the relocation;

(6) The age, developmental stage, and needs of the child, and the likely impact the relocation or its prevention will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child;

(7) The quality of life, resources, and opportunities available to the child and to the relocating party in the current and proposed geographic locations;

(8) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent;

(9) The alternatives to relocation and whether it is feasible and desirable for the other party to relocate also;

(10) The financial impact and logistics of the relocation or its prevention; and

(11) For a temporary order, the amount of time before a final decision can be made at trial.

NEW SECTION. Sec. 15. FACTOR NOT TO BE CONSIDERED. In determining whether to permit or restrain the relocation of the child, the court may not admit evidence on the issue of whether the person seeking to relocate the child will forego his or her own relocation if the child's relocation is not permitted or whether the person opposing relocation will also relocate if the child's relocation is permitted. The court may admit and consider such evidence after it makes the decision to allow or restrain relocation of the child and other parenting, custody, or visitation issues remain before the court, such as what, if any, modifications to the parenting plan are appropriate and who the child will reside with the majority of the time if the court has denied relocation of the child and the person is relocating without the child.

NEW SECTION. Sec. 16. OBJECTIONS BY NONPARENTS. A court may not restrict the right of a parent to relocate the child when the sole objection to the relocation is from a third party, unless that third party is entitled to residential time or visitation under a court order and has served as the primary residential care provider to the child for a substantial period of time during the thirty-six consecutive months preceding the intended relocation.

NEW SECTION. Sec. 17. SANCTIONS. The court may sanction a party if it finds that a proposal to relocate the child or an objection to an intended relocation or proposed revised residential schedule was made to harass a person, to interfere in bad faith with the relationship between the child and another person entitled to residential time or visitation with the child, or to unnecessarily delay or needlessly increase the cost of litigation.

NEW SECTION. Sec. 18. PRIORITY FOR HEARING. A hearing involving relocations or intended relocations of children shall be accorded priority on the court's motion calendar and trial docket.

Sec. 19. RCW 26.09.260 and 1999 c 174 s 1 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), ~~((7))~~ (6), (8), and ~~((9))~~ (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the ~~((nonprimary residential))~~ child and the parent ~~((and a child))~~ with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the ~~((nonprimary residential))~~ parent ~~((at the time the petition for modification is filed))~~ with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the ~~((nonprimary residential))~~ parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the ~~((motion))~~ petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in sections 2 through 18 of this act. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A ~~((nonprimary residential))~~ parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

~~((7))~~ (8) If a ~~((nonprimary residential))~~ parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

~~((8))~~ (9) A ~~((nonprimary))~~ parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other

classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

~~((9))~~ (10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

~~((10))~~ (11) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party.

Sec. 20. RCW 26.26.160 and 1992 c 229 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section the court has continuing jurisdiction to prospectively modify a judgment and order for future education and future support, and with respect to matters listed in RCW 26.26.130 (3) and ~~((4))~~ (5), and RCW 26.26.150(2) upon showing a substantial change of circumstances. The procedures set forth in RCW 26.09.175 shall be used in modification proceedings under this section.

(2) A judgment or order entered under this chapter may be modified without a showing of substantial change of circumstances upon the same grounds as RCW 26.09.170 permits support orders to be modified without a showing of a substantial change of circumstance.

(3) The court may modify a parenting plan or residential provisions adopted pursuant to RCW 26.26.130~~((6))~~ (7) in accordance with the provisions of chapter 26.09 RCW.

(4) The court shall hear and review petitions for modifications of a parenting plan, custody order, visitation order, or other order governing the residence of a child, and conduct any proceedings concerning a relocation of the residence where the child resides a majority of the time, pursuant to chapter 26.09 RCW.

Sec. 21. RCW 26.10.190 and 1989 c 375 s 24 are each amended to read as follows:

~~(1) ((The court shall not modify a prior custody decree unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or the custodian and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the custodian established by the prior decree unless:~~

~~(a) The custodian agrees to the modification;~~

~~(b) The child has been integrated into the family of the petitioner with the consent of the custodian; or~~

~~(c) The child's present environment is detrimental to his or her physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.))~~

The court shall hear and review petitions for modifications of a parenting plan, custody order, visitation order, or other order governing the residence of a child, and conduct any proceedings concerning a relocation of the residence where the child resides a majority of the time, pursuant to chapter 26.09 RCW.

(2) If the court finds that a motion to modify a prior custody decree has been brought in bad faith, the court shall assess the attorney's fees and court costs of the custodian against the petitioner.

NEW SECTION. **Sec. 22.** Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 23.** Sections 2 through 18 of this act are each added to chapter 26.09 RCW and codified with the subchapter heading "Notice requirements and standards for parental relocation."

Correct the title.

Representatives Constantine and Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine, Carrell, Carlson and Kastama spoke in favor of passage of the bill.

COLLOQUY

Representative Carrell: Does the presumption created in section 14 of this act apply to any other sections of RCW title 26?

Representative Constantine: No. The presumption created in section 14 of this act is intended to apply exclusively to section 14 of the act and is not intended to apply by analogy to any other sections of RCW title 26.

Representative Carrell: How does this act apply in situations in which the child resides an equal amount of time with each parent?

Representative Constantine: Under such circumstances, the notice requirements apply to both parties and the presumption to neither.

Representative Lambert spoke against the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2884.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2884 and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Fortunato, Koster, Lambert and Schindler - 4.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed Substitute House Bill No. 2884, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2946, by Representatives Conway, Clements, Wood, Regala and Hurst

Allowing local planning and zoning of gambling activities.

The bill was read the second time.

Representative Conway moved the adoption of the following amendment (489):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.46 RCW to read as follows:
Nothing in this chapter shall be construed as limiting the authority of any city, town, city-county, or county to exercise its land use and zoning powers granted or recognized under the law with respect to the location of any gambling activities authorized under this chapter."

Correct the title.

Representatives Conway and Clements spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

COLLOQUY

Representative Clements: By the use of the words "with respect to the location of" are we implying that local governments cannot impose other planning or zoning regulations over gambling establishments, such as requirements for setbacks, design guidelines, parking, landscaping, signage and other site requirements?

Representative Conway. No. It is clear that gambling establishments are subject to general planning and zoning rules that apply to other businesses. This bill also confirms that local governments may determine the location where gambling activities may occur.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 2946.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2946, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed House Bill No. 2946, having received the constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 3124, by Representatives H. Sommers, Huff, Kessler, Ballasiotes, O'Brien and Alexander

Revising sentencing for sexually violent predators.

Representatives H. Sommers and Ballasiotes spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 3124.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3124 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Substitute House Bill No. 3124, having received the constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2420, by Representatives Linville, G. Chandler, Morris, Ericksen, Quall, Kastama, Santos, Grant, Stensen, Keiser, Poulsen, Wensman, Scott, Rockefeller, Reardon, Kenney, Cody, Lovick, Cooper, Koster, Haigh, McDonald, Van Luven, Lantz, Wood, Regala, Edmonds, Hurst, Dunshee, Constantine, Dickerson, Wolfe, Ogden, Ruderman and McIntire

Providing for oil and gas pipeline safety.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2420 was substituted for House Bill No. 2420 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2420 was read the second time.

There being no objection, amendment number 486 was withdrawn.

Representative Linville moved the adoption of the following amendment (493):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The intent of this act is to protect the health and safety of the citizens of the state of Washington and the quality of the state's environment by developing and implementing environmental and public safety measures applicable to persons transporting hazardous liquids and gas by pipeline within the state of Washington. The legislature finds that public safety and the environment may best be protected by adopting standards that are equal to, or more stringent than, those adopted by the federal government.

(2) It is the further intent of this act to ensure that the state of Washington fully activate the authority it is currently provided under the federal pipeline safety act (49 U.S.C. Sec. 60101 et seq., as amended). In addition, it is the intent of this act to provide policy direction for the development of state pipeline safety programs in the event of a delegation of authority, or the provision of direct authority, to the state for inspection of interstate pipelines and enforcement of state and federal pipeline safety requirements.

(3) It is also the intent of the legislature that the governor work with the state congressional delegation in seeking the following improvements to the federal pipeline safety act when it is being reauthorized:

(a) The elimination of federal preemption; or

(b) Amendments that direct the federal office of pipeline safety to delegate authority to qualified states for:

(i) The regulation of interstate hazardous liquid and gas pipelines using standards equal to or more stringent than federal standards; and

(ii) The enforcement of state and federal requirements related to pipeline safety.

(4) In working with the state congressional delegation on reauthorization of the federal pipeline safety act, it is the intent of the legislature that the governor also seek the following:

(a) Requirements for rapid shutdown of ruptured pipelines;

(b) Periodic inspection and testing of pipelines; and

(c) Continuing education and certification of pipeline operators.

(5) In addition, it is the intent of the legislature that the governor work with the state congressional delegation in seeking higher levels of funding for state pipeline safety activities.

(6) While the legislature acknowledges that serious accidents have occurred for hazardous liquid and gas pipelines in this nation and elsewhere, it recognizes that there are fundamental differences between hazardous liquid pipelines and gas pipelines and that a different system of safety regulations must be applied for each kind of pipeline.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Department" means the department of ecology.

(3) "Failsafe system" means a system or device that prevents a pipeline from exceeding its maximum operating pressure.

(4) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(5) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide. The department by rule may incorporate by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).

(6) "Local government" means a subdivision of the state or a city or town.

(7) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(8) "Pipeline" or "pipeline system" means all parts of a pipeline facility through which hazardous liquid, gas, or carbon dioxide moves in transportation, including, but not limited to, line

pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, breakout tanks, and excluding process pipelines as defined in chapter 173-180A WAC, as it exists on the effective date of this act.

(9) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or gas. For the purposes of this act, a pipeline company does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

(10) "Reportable release" means a spilling, leaking, pouring, emitting, discharging, or any other uncontrolled escape of a hazardous liquid in excess of one barrel, or forty-two gallons.

(11) "Safety management systems" means management systems that include coordinated interdisciplinary evaluations of the effect of significant changes to a pipeline system before such changes are implemented.

NEW SECTION. Sec. 3. The hazardous liquid pipeline safety account is created in the custody of the state treasurer. All receipts from the federal office of pipeline safety and any other state or federal funds provided for hazardous liquid pipeline safety must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding the pipeline safety program within the department of ecology. Only the director of the department or the director's designee may authorize expenditures from the account.

NEW SECTION. Sec. 4. (1) The department is responsible for the administration and enforcement of all laws related to hazardous liquid pipeline safety to the extent not prohibited by federal law. The department shall immediately seek federal certification in order to administer and enforce all laws related to hazardous liquids pipeline safety. When federal certification is received by the department, authority for the hazardous liquid pipeline safety program as authorized under RCW 81.88.040 shall transfer from the commission to the department. When the department becomes certified to regulate intrastate hazardous liquid pipeline safety, it shall apply the existing federal pipeline safety standards. Upon exercising delegated or direct authority to regulate interstate pipeline safety, the department shall ensure that intrastate and interstate pipelines are regulated to the same safety standards.

(2) By December 1, 2000, the department shall develop for the review of the legislature in the 2001 session a pipeline safety program that promotes protection of public health and the environment. This program shall include the following elements:

(a) Requirements for operators of pipelines to develop and implement structural integrity management plans;

(b) A schedule of inspection and testing within the pipeline system of:

(i) All mechanical components;

(ii) All electronic components; and

(iii) The structural integrity of all pipelines as determined through either pressure testing, internal inspection tool surveys, or a combination of techniques;

(c) Failsafe systems;

(d) Safety management systems;

(e) Requirements related to the rapid location and isolation of all reportable releases from pipelines;

(f) Emergency response procedures and emergency response training;

(g) Reporting requirements related to emergency situations, including emergency shutdowns;

(h) Requirements related to the training and certification of personnel who operate pipelines and pipeline systems;

(i) Measures aimed at the prevention of third-party excavation damage to pipelines through the establishment and required use of a one-number locator system and through development of a training program available to municipal workers and construction workers employed by a pipeline company or employed by a construction company working under contract to a pipeline company.

(j) Recommendations for funding and potential fund sources for implementing the entire program and each program element.

(3) In providing this program to the legislature for review as provided in subsection (2) of this section, the department shall clearly indicate whether federal authority for each program element exists or must be delegated. The department shall also develop a legislative proposal for consideration by the legislature that authorizes the state to implement the program elements for which it has received delegation of authority from the federal office of pipeline safety or direct authority under the federal pipeline safety act. Upon review of the department's program by the legislature in the 2001 session, the department shall implement the program elements for which it has authority.

(4) After the state has received delegation of authority or direct authority to regulate interstate pipeline safety, the program elements in subsection (2) of this section shall be implemented through operations safety plans submitted by operators of pipelines to the department for approval. The department shall approve such plans after they have been deemed fit for service. A plan shall be deemed fit for service when it results in pipelines that are designed, developed, constructed, operated, and periodically modified to provide protection of public safety and the environment.

(5) The department shall serve as the single point of contact within the state for information related to hazardous liquid pipeline safety and shall provide technical assistance on hazardous liquid pipeline safety to local government authorities upon request.

(6) The department shall evaluate proposals developed by the federal office of pipeline safety and other agencies and organizations related to methods and technologies for testing the integrity of hazardous liquid pipeline structure, leak detection, and other elements of pipeline operation.

NEW SECTION. Sec. 5. (1) The department and the commission shall jointly support the governor in seeking delegation of federal authority to inspect hazardous liquid and gas interstate pipelines and enforce state and federal pipeline safety requirements. The department and the commission shall establish and submit to the United States secretary of transportation an inspection program that complies with requirements for delegated interstate agent authority. If the secretary of transportation delegates authority to the state as provided in this subsection, the department and the commission, at a minimum, shall do the following to carry out the delegated federal authority:

(a) Inspect hazardous liquid and gas pipelines periodically as specified in the inspection program;

(b) Provide for the testing of hazardous liquid and gas pipelines as authorized by federal law and regulation; and

(c) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) In addition, the department and commission shall inspect any record, map, or written procedure required by federal law to be kept by a pipeline company concerning reportable releases of hazardous liquid, or of gas releases as defined under state regulation, and the design, construction, testing, or operation and maintenance of pipelines.

Sec. 6. RCW 81.88.040 and 1998 c 123 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Pipeline company" means a person or entity constructing, owning, or operating an intrastate pipeline for transporting hazardous liquid or gas, whether or not such a person or entity is a public service company otherwise regulated by the commission. For the purposes of this section, a pipeline company does not include: (i) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (ii) excavation contractors or other contractors that contract with a pipeline company.

(b) "Hazardous liquid" means: (i) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (ii) carbon dioxide. The commission by rule may incorporate by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).

(c) "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive.

(2) The commission shall adopt by rule intrastate pipeline safety standards for pipeline transportation and pipeline facilities that: (a) Apply to pipeline companies transporting hazardous liquids or gas; (b) cover the design, construction, and operation of pipelines transporting hazardous liquids or gas; and (c) require pipeline companies to design, construct, and maintain their pipeline facilities so they are safe and efficient. The commission shall only adopt rules pertaining to interstate pipeline safety standards if it is delegated authority or provided direct authority by the federal government to adopt such rules.

(3) A person, officer, agent, or employee of a pipeline company who, as an individual or acting as an officer, agent, or employee of such a company, violates or fails to comply with this section or a rule adopted under this section, or who procures, aids, or abets another person or entity in the violation of or noncompliance with this section or a rule adopted under this section, is guilty of a gross misdemeanor.

(4)(a) A pipeline company, or any person, officer, agent, or employee of a pipeline company that violates a provision of this section, or a rule adopted under this section, is subject to a civil penalty to be assessed by the commission.

(b) The commission shall adopt rules: (i) Setting penalty amounts, but may not exceed the penalties specified in the federal pipeline safety laws, 49 U.S.C. Sec. 60101 et seq.; (ii) establishing procedures for mitigating penalties assessed; and (iii) incorporating by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).

(c) In determining the amount of the penalty, the commission shall consider: (i) The appropriateness of the penalty in relation to the position of the person charged with the violation; (ii) the gravity of the violation; and (iii) the good faith of the person or company charged in attempting to achieve compliance after notification of the violation.

(d) The amount of the penalty may be recovered in a civil action in the superior court of Thurston county or of some other county in which the violator may do business. In all actions for recovery, the rules of evidence shall be the same as in ordinary civil actions. All penalties recovered under this section must be paid into the state treasury and credited to the public service revolving fund.

(5) Nothing in this section duplicates the authority of the energy facility site evaluation council under chapter 80.50 RCW.

NEW SECTION. Sec. 7. (1) Upon receipt of federal certification for hazardous liquids and natural gas pipeline safety, all powers, duties, and functions of the utilities and transportation commission pertaining to hazardous liquid pipeline safety are transferred to the department of ecology. Responsibilities for the safety of gas pipelines shall remain with the commission. Such powers, duties, and functions transferred to the department of ecology do not include rate setting as provided in chapters 80.28, 80.24, and 81.24 RCW. All references to the commission or the utilities and transportation commission in the Revised Code of Washington shall be construed to mean the director or the department of ecology when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties pertinent to hazardous liquid pipeline safety transferred shall be made available to the department of ecology. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of ecology.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties pertinent to hazardous liquid pipeline safety transferred shall, on the effective date of this section, be divided proportionally based on program responsibilities and shared with the department of ecology.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties relative to hazardous liquid pipeline safety are transferred to the jurisdiction of the department of ecology. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties pertinent to hazardous liquid pipeline safety transferred shall be continued and acted upon by the department of ecology. All existing contracts and obligations shall remain in full force and shall be performed by the department of ecology.

(5) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 8. (1) A pipeline safety committee is established to advise the department, the commission, and other appropriate federal, state, and local government agencies and officials on matters relating to hazardous liquid and gas pipeline safety, routing, construction, operation, and maintenance. The committee shall not exceed fifteen members, exclusive of nonvoting state agency representatives. Members of the committee shall be appointed by the governor to staggered three-year terms and shall consist of members of the general public, elected officials from cities and counties in which pipelines are located, and the hazardous liquid and gas pipeline industry. A representative of the department of ecology and of the utilities and transportation commission shall each sit on the committee as nonvoting members. The governor may designate other nonvoting representatives of state agencies to serve on the committee as needed. The chair of the committee shall be appointed by the governor from among the members of the general public. The committee shall review and comment on proposed rules and on the operation of the state pipeline safety program.

(2) All necessary staff support for the committee shall be provided by the department.

NEW SECTION. Sec. 9. A new section is added to chapter 48.48 RCW to read as follows:

(1) In consultation with the emergency management program within the state military department, the department of ecology, the commission, and local emergency services organizations, the chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, shall:

(a) Evaluate the preparedness of local first responders in meeting emergency management demands under subsection (2) of this section; and

(b) Conduct an assessment of the equipment and personnel needed by local first responders to meet emergency management demands related to pipelines.

(2) The chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall develop curricula for training local first responders to deal with pipeline accidents. The curricula shall be developed in conjunction with pipeline companies and local first responders, and shall include a timetable and costs for providing training as defined in the curricula to all communities housing pipelines. Separate curricula shall be developed for hazardous liquid and gas pipelines so that the differences between pipelines may be recognized and appropriate accident responses provided. The need for a training program for regional incident management teams shall also be evaluated.

(3) In consultation with other relevant agencies, the chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall identify the need and means for achieving consistent application of the national interagency incident management system.

(4) For the purposes of this section, "local first responders" means police, fire, emergency medical staff, and volunteers.

Sec. 10. RCW 19.122.020 and 1984 c 144 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Damage" includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected utility owner determines that repairs are required.

(3) "Emergency" means any condition constituting a clear and present danger to life or property, or a customer service outage.

(4) "Excavation" means any operation in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means, except the tilling of soil less than twelve inches in depth for agricultural purposes, or road and ditch maintenance that does not change the original road grade or ditch flowline.

(5) "Excavator" means any person who engages directly in excavation.

(6) "Identified facility" means any underground facility which is indicated in the project plans as being located within the area of proposed excavation.

(7) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.

(8) "Locatable underground facility" means an underground facility which can be field-marked with reasonable accuracy.

(9) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

(10) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(11) "Pipeline" or "pipeline system" means all parts of a pipeline facility through which hazardous liquid, gas, or carbon dioxide moves in transportation, including, but not limited to, line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks, and excluding process pipelines and transfer pipelines as defined in chapter 173-180A WAC, as it exists on the effective date of this act.

(12) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or gas. For the purposes of this section, a pipeline company does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

(13) "Reasonable accuracy" means location within twenty-four inches of the outside dimensions of both sides of an underground facility.

~~((12))~~ (14) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground. This definition does not apply to hazardous liquid or gas pipelines as defined in subsection (11) of this section.

~~((13))~~ (15) "One-number locator service" means a service through which a person can notify utilities and request field-marking of underground facilities.

NEW SECTION. **Sec. 11.** A new section is added to chapter 19.122 RCW to read as follows:

(1) By December 31, 2000, the utilities and transportation commission shall establish or cause to be established a single state-wide toll-free telephone number to be used for referring excavators to the appropriate one-number locator service.

(2) The utilities and transportation commission, in consultation with the Washington utilities coordinating council, shall establish minimum standards and best management practices for one-number locator services consistent with the recommendations of the governor's fuel accident prevention and response team issued in December 1999. By December 31, 2000, the commission shall provide its recommendations to the appropriate standing committees of the house of representatives and the senate.

(3) One-number locator services shall be operated by nongovernmental agencies.

Sec. 12. RCW 19.122.030 and 1988 c 99 s 1 are each amended to read as follows:

Before commencing any excavation, the excavator shall provide notice of the scheduled commencement of excavation to all owners of underground facilities and to all pipeline companies through a one-number locator service. All owners of underground facilities and all pipeline companies within a one-number locator service area shall subscribe to the service. One number locator service rates for cable television companies will be based on the amount of their underground facilities. If no one-number locator service is available, notice shall be provided individually to those owners of underground facilities and to those pipeline companies known to or suspected of having underground facilities or pipelines within the area of proposed excavation. The notice shall be communicated to the owners of underground facilities and to pipeline companies not less than two business days or more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the parties.

Upon receipt of the notice provided for in this section, the owner of the underground facility and the pipeline company shall provide the excavator with reasonably accurate information as to its locatable underground facilities and the pipeline by surface-marking the location of the facilities or pipeline. If there are identified but unlocatable underground facilities or pipeline, the owner of such facilities and the pipeline company shall provide the excavator with the best available information as to their locations. The owner of the underground facility and the pipeline company providing the information shall respond no later than two business days after the receipt of the notice or before the excavation time, at the option of the owner or pipeline company, unless otherwise agreed by the parties. Excavators shall not excavate until all known facilities and pipelines have been marked. Once marked by the owner of the underground facility and pipeline company, the excavator is responsible for maintaining the markings. Excavators shall have the right to receive compensation from the owner of the underground facility or the pipeline company for costs incurred if the owner of the underground facility or the pipeline company does not locate its facilities in accordance with this section.

The owner of the underground facility and the pipeline company shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two business days prior to the excavation from the excavator.

An owner of underground facilities ~~((is))~~ and the pipeline company are not required to indicate the presence of existing service laterals or appurtenances if the presence of existing service laterals or appurtenances on the site of the construction project can be determined from the presence of other visible facilities, such as buildings, manholes, or meter and junction boxes on or adjacent to the construction site.

Emergency excavations are exempt from the time requirements for notification provided in this section.

If the excavator, while performing the contract, discovers underground facilities which are not identified, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number locator service. If the excavator, while performing the contract, discovers an underground pipeline which is not identified, the excavator shall

cease excavating in the vicinity of the pipeline and immediately notify the pipeline company and the one-number locator service.

Sec. 13. RCW 19.122.040 and 1984 c 144 s 4 are each amended to read as follows:

(1) Project owners shall indicate in bid or contract documents the existence of underground facilities and pipelines known by the project owner to be located within the proposed area of excavation. The following shall be deemed changed or differing site conditions:

(a) An underground facility or pipeline not identified as required by this chapter or other provision of law; and

(b) An underground facility or pipeline not located, as required by this chapter or other provision of law, by the project owner or excavator if the project owner or excavator is also a utility.

(2) An excavator shall use reasonable care to avoid damaging underground facilities and pipelines. An excavator shall:

(a) Determine the precise location of underground facilities and pipelines which have been marked;

(b) Plan the excavation to avoid damage to or minimize interference with underground facilities and pipelines in and near the excavation area; and

(c) Provide such support for underground facilities and pipelines in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such facilities and pipelines.

(3) If an underground facility or pipeline is damaged and such damage is the consequence of the failure to fulfill an obligation under this chapter, the party failing to perform that obligation shall be liable for any damages. Any clause in an excavation contract which attempts to allocate liability, or requires indemnification to shift the economic consequences of liability, different from the provisions of this chapter is against public policy and unenforceable. Nothing in this chapter prevents the parties to an excavation contract from contracting with respect to the allocation of risk for changed or differing site conditions.

(4) In any action brought under this section, the prevailing party is entitled to reasonable attorneys' fees.

NEW SECTION. Sec. 14. By September 1, 2000, the utilities and transportation commission and the department of ecology shall jointly provide notice to all appropriate contractors about new hazardous liquid and gas pipeline safety and excavation requirements.

NEW SECTION. Sec. 15. (1) After a pipeline company has been notified by an excavator pursuant to RCW 19.122.030 that excavation work will uncover any portion of the pipeline, the pipeline company shall ensure that the pipeline section in the vicinity of the excavation is examined for damage prior to being reburied.

(2) An excavator who, in the course of excavation, contacts or damages a hazardous liquid or gas pipeline, shall immediately notify the pipeline company and the one-number locator service. The notice shall also specify, to the best of the excavator's knowledge, whether the damage has resulted in a release of hazardous liquid or gas. If the damage causes an emergency condition, the excavator causing the damage shall also immediately alert the appropriate local public safety agencies and take all appropriate steps to ensure the public safety. No damaged hazardous liquid or gas pipeline may be buried until it is repaired or relocated by the pipeline operator.

(3) Immediately upon receiving information of third-party damage to a hazardous liquid or gas pipeline that does not result in a reportable release of hazardous liquid or gas release as defined in state regulation, the company that owns or operates the pipeline shall immediately conduct a visual inspection of the damaged pipeline to determine whether flow through the pipeline should be terminated. After visual inspection, a pipeline company shall determine whether the damaged pipeline section should be replaced or repaired, or whether pipeline operation may be safely resumed. A record of the company's inspection report and test results shall be provided to the department or the commission consistent with reporting requirements under 49 C.F.R. 195 Subpart B.

(4) Immediately upon receiving information of third-party damage to a hazardous liquid or gas pipeline that results in a reportable release of hazardous liquid or gas release as defined in state regulation, the company that owns or operates the pipeline shall immediately terminate the flow of hazardous liquid or gas until it has visually inspected the damaged pipeline, determined and addressed the cause of the release, and determined that pipeline operation may be safely resumed. Pipeline companies shall immediately notify local first responders and the department of any reportable release of a hazardous liquid from a pipeline. Pipeline companies shall immediately notify first responders and the commission of any gas release as defined in state regulation from a pipeline.

Sec. 16. RCW 19.122.070 and 1984 c 144 s 7 are each amended to read as follows:

(1) Any person who violates any provision of this chapter, and which violation results in damage to underground facilities, is subject to a civil penalty of not more than one thousand dollars for each violation. All penalties recovered in such actions shall be deposited in the general fund.

(2) Any excavator who wilfully or maliciously damages a field-marked underground facility shall be liable for treble the costs incurred in repairing or relocating the facility. In those cases in which an excavator fails to notify known underground facility owners or the one-number locator service, any damage to the underground facility shall be deemed wilful and malicious and shall be subject to treble damages for costs incurred in repairing or relocating the facility.

(3) This chapter does not affect any civil remedies for personal injury or for property damage, including that to underground facilities, nor does this chapter create any new civil remedies for such damage.

(4) This section does not apply to damages to a hazardous liquid or gas pipeline. Damages to a hazardous liquid or gas pipeline are subject to the provisions of section 17 of this act.

NEW SECTION. **Sec. 17.** A new section is added to chapter 19.122 RCW to read as follows:

(1) Any excavator who fails to notify a one-number locator service as required by RCW 19.122.030 and causes damage to a hazardous liquids pipeline or gas pipeline is subject to a civil penalty of not less than one thousand dollars for the first violation. The maximum civil penalty under this section for multiple violations may not exceed ten thousand dollars for each violation. In determining the amount of the penalty for multiple violations, the department shall consider:

(a) The appropriateness of the penalty in relation to the position of the person charged with the violation;

(b) The gravity of the violation; and

(c) The good faith of the person charged in attempting to achieve compliance with the requirements of the law.

(2) All penalties under this section shall be deposited into the hazardous liquid pipeline safety account established in section 3 of this act.

(3) Any person who willfully or maliciously damages a hazardous liquids pipeline or gas pipeline, or any person who fails to notify a one-number locator service as required by RCW 19.122.030 and causes damage to a hazardous liquids pipeline or gas pipeline, is liable for treble damages for costs incurred in repairing or relocating the pipeline.

(4) This section does not affect any civil remedies for personal injury or for property damage.

NEW SECTION. **Sec. 18.** Upon receiving delegated or direct authority for pipeline safety, the department shall adopt rules: (1) Setting penalty amounts not in excess of the penalties specified in the federal pipeline safety laws, 49 U.S.C. Sec. 60101 et seq.; (2) establishing procedures for mitigating penalties assessed; and (3) incorporating by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).

NEW SECTION. **Sec. 19.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in

its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 20.** This act may be known and cited as the Washington state pipeline safety act.

NEW SECTION. **Sec. 21.** Sections 1 through 5, 7, 8, 14, 15, and 18 through 20 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec. 22.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Linville moved the adoption of the following amendment (510) to amendment (493):

On page 2, line 1 of the amendment, after "ruptured" insert "hazardous liquid"

On page 16, line 6 of the amendment, after "liquid" strike "or gas"

On page 16, line 7 of the amendment, after "liquid" strike "or gas"

On page 16, line 9 of the amendment, after "liquid" strike "or gas"

Representative(s) Linville and G. Chandler spoke in favor of the adoption of the amendment.

The amendment to the amendment was adopted.

There being no objection, amendment (501) to amendment (493) was withdrawn.

Representative Schoesler moved the adoption of the following amendment (508) to amendment (493):

On page 2, line 33, after "liquid" strike ",gas, or carbon dioxide" and insert "or gas"

On page 11, line 29, after "liquid" strike ",gas, or carbon dioxide" and insert "or gas"

On page 12, line 36, after "excavation," insert "excluding agricultural tilling of soil as defined in RCW 19.122.020,"

On page 17, line 3, after "excavator" insert ", except a person engaged in the agricultural tillage of soil as defined in RCW 19.122.020,"

Representatives Schoesler and Linville spoke in favor of the adoption of the amendment.

The amendment to the amendment was adopted.

Representative Linville moved the adoption of the following amendment (500) to amendment (493):

On page 2, beginning on line 37, after "pipelines" insert "and transfer pipelines"

On page 3, line 26, after "law." insert "Hazardous liquid process pipelines and transfer pipelines will continue to be regulated by the utilities and transportation commission."

Representatives Linville and G. Chandler spoke in favor of the adoption of the amendment.

The amendment to the amendment was adopted.

Representative Cooper moved the adoption of the following amendment (497) to amendment (493):

On page 17, after line 32, insert the following:

"NEW SECTION. Sec. 19. The department of labor and industries shall conduct an assessment of the current skills and training required to construct, assemble, maintain, or repair any hazardous liquid or gas pipeline within the state. The department shall report its findings to the legislature by October 1, 2000."

Renumber the remaining sections consecutively, correct internal references, and correct the title.

Representative Cooper spoke in favor of the adoption of the amendment to the amendment.

Representative Clements spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representatives Linville, G. Chandler, Morris, Cooper, McDonald and Pennington spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and G. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2420.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2420 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers,

Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed Second Substitute House Bill No. 2420, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2648, by Representatives Miloscia, Romero and D. Schmidt; by request of Secretary of State

Revising the Washington state quality award program.

The bill was read the second time.

Representative McMorris moved the adoption of the following amendment (523):

On page 3, line 16, beginning with "~~The~~" strike all the matter through "~~law~~)" on line 17, and insert ")") (7) The council shall cease to exist on July 1, (~~1999~~) 2004, unless otherwise extended by law."

Representatives McMorris and Romero spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Miloscia spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 2648.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2648, and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 85.

Voting nay: Representatives Clements, Dunn, Ericksen, Huff, Lisk, McMorris, Mulliken, Pennington, Schindler and Sump - 10.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed House Bill No. 2648, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2403, by Representatives Kastama, Parlette, Conway, Koster, Lantz, Doumit, Poulsen, Cox, Ruderman, Wood, Linville, Dickerson, Sullivan, Hatfield, O'Brien, Lovick, Constantine, Delvin, Wensman, Pennington, Mitchell, Keiser, Cody, Talcott, Dunn, Haigh, McDonald, Van Luven, Edmonds, Ogden and Esser

Creating the national World War II memorial account.

The bill was read the second time.

There being no objection, amendment 457 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kastama and Parlette spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2403 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

House Bill No. 2403, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2331, by Representatives Campbell, Schual-Berke, H. Sommers, Linville, Doumit, Cody, Wolfe, Conway, Quall, Eickmeyer, Morris, Gombosky, Ruderman, Edmonds, Poulsen, Dunshee, Fisher, Scott, Regala, McIntire, Kastama, Kessler, Wood, Lantz, Ogden, Santos, Edwards, O'Brien, Romero, Stensen, Cooper, Reardon, Tokuda, Voloria, Rockefeller, Lovick, Kenney, Kagi, Haigh, Miloscia, Anderson, Constantine, Dickerson, Keiser, Hurst, Murray, McDonald and D. Sommers

Adopting a patient bill of rights.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2331 was substituted for House Bill No. 2331 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2331 was read the second time.

Representative Campbell moved the adoption of the following amendment (504):

On page 2, beginning on line 8, after "payors" strike all material through "RCW" on line 9

On page 4, line 11, after "subsection" insert "(1)"

On page 7, line 2, after "for" strike "no longer than" and insert "at least"

On page 7, line 12, after "implement" strike "of"

On page 8, line 36, after "determines" strike all material through "indicates"

On page 10, line 10, after "terminate" insert "coverage of or payment for"

Representative Campbell spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, amendment (507) was withdrawn.

Representative Schual-Berke moved the adoption of the following amendment (505):

On page 6, after line 3, insert the following:

"(9) The commissioner may adopt rules to implement this section. In developing rules to implement this section, the commissioner shall consider relevant standards adopted by national managed care accreditation organizations and state agencies that purchase managed health care services."

Representatives Schual-Berke spoke in favor of the adoption of the amendment.

Representatives Pflug spoke against the adoption of the amendment.

The amendment was adopted.

Representative Campbell moved the adoption of the following amendment (506):

On page 6, beginning on line 29, after "means" strike all material through "for" on line 30, and insert "covered benefits and limitations related to"

Representative Campbell spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Schual-Berke moved the adoption of the following amendment (514):

On page 11, beginning on line 28, strike all of subsection (9)

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representative Schual-Berke and Pflug spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Alexander moved the adoption of the following amendment (470):

On page 17, line 35, strike all of subsection 7 and insert the following:

"(7)(a) An enrollee or an enrollee's representative may not maintain a cause of action under this section against a health carrier unless:

(i) The affected enrollee or the enrollee's representative has sought independent review of the health care treatment decision under section 11 of the act;

(ii) The independent review organization has overturned the carrier's decision to modify, discontinue, or deny a health service; and

(iii) The carrier's decision to modify, discontinue, or deny an otherwise covered health service caused substantial harm to the enrollee. As used in this subsection, "substantial harm" means loss of life, loss or significant impairment of limb or bodily function, significant disfigurement, severe or chronic pain or disease, or substantial mental impairment that results in the inability of the enrollee to meet his or her basic needs.

(b) This subsection (7) does not prohibit an enrollee from pursuing injunctive relief or declaratory judgement prior to completing independent review if the time required to complete independent review would place the enrollee's life or health in serious jeopardy."

Representative Alexander spoke in favor of the adoption of the amendment.

Representative Constantine spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Benson moved the adoption of the following amendment (498):

On page 18, line 29, strike "and"

On page 18, line 30, after "41.05 RCW" and insert "and all plans offered by local governments and school districts to the extent they offer fully or partially self-funded health coverage programs."

Representatives Benson, Huff, Mastin, Clements, Mulliken, Pflug and Cox spoke in favor of the adoption of the amendment.

Representatives H. Sommers, Schual-Berke, Conway and Campbell spoke against the adoption of the amendment.

Division was demanded. Speaker Ballard divided the House. The results of the division was 46-YEAS; 49-NAYS. The amendment was not adopted.

Representative Alexander moved the adoption of the following amendment (490):

On page 20, line 12 strike "June 30, 2001" and insert "health insurance products for individuals are available to be purchased in 18 counties in Washington state as determined by the Office of the Insurance Commissioner"

Representatives Alexander, Parlette, DeBolt, Huff, Pennington, Pflug, Mulliken, Mastin and Wensman spoke in favor of the adoption of the amendment.

Representatives Cody, Schual-Berke, Campbell, Rockefeller, Kastama and Ruderman spoke against the adoption of the amendment.

Division was demanded. Speaker Ballard divided the House. The results of the division was 45-YEAS; 50-NAYS. The amendment was not adopted.

There being no objection, amendment 471 was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell, Schual-Berke, Pflug, Cody, Edmonds, Parlette, Ruderman and Kenney spoke in favor of the passage of the bill.

Representatives Alexander, Mulliken and Huff spoke against passage of the bill.

Representative Schoesler demanded the previous question and the demand was sustained.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2331.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2331 and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives Alexander, Huff and Mulliken - 3.

Excused: Representatives Eickmeyer, Radcliff and Scott - 3.

Engrossed Second Substitute House Bill No. 2331, having received the constitutional majority, was declared passed.

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

There being no objection, the Rules Committee was relieved of Substitute House Bill No. 1218 which was placed on the Third Reading calendar.

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 2326,

HOUSE BILL NO. 2418,

HOUSE BILL NO. 2647,

HOUSE BILL NO. 2675,

HOUSE BILL NO. 2750,

HOUSE BILL NO. 2867,

HOUSE BILL NO. 2872,

There being no objection, the House adjourned until 9:00 a.m., Tuesday, February 15, 2000,
the 37th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

THIRTY SIXTH DAY, FEBRUARY 14, 2000

JOURNAL OF THE HOUSE

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THIRTY SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, February 15, 2000

The House was called to order at 9:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Beth McAlister and B. J. Luszczynski. Prayer was offered by Pastor Vaughn Mathews, New Life Fellowship, Longview.

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

MESSAGES FROM THE SENATE

February 14, 2000

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5874,

SUBSTITUTE SENATE BILL NO. 5924,

SECOND SUBSTITUTE SENATE BILL NO. 5953,

SECOND SUBSTITUTE SENATE BILL NO. 6004,

SUBSTITUTE SENATE BILL NO. 6147,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6152,

SENATE BILL NO. 6158,

SECOND SUBSTITUTE SENATE BILL NO. 6167,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6220,
SECOND SUBSTITUTE SENATE BILL NO. 6241,
ENGROSSED SENATE BILL NO. 6250,
ENGROSSED SENATE BILL NO. 6252,
SENATE BILL NO. 6256,
SUBSTITUTE SENATE BILL NO. 6284,
SUBSTITUTE SENATE BILL NO. 6293,
SENATE BILL NO. 6330,
SENATE BILL NO. 6331,
SUBSTITUTE SENATE BILL NO. 6333,
SUBSTITUTE SENATE BILL NO. 6351,
SENATE BILL NO. 6368,
SUBSTITUTE SENATE BILL NO. 6382,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6391,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6396,
SUBSTITUTE SENATE BILL NO. 6439,
ENGROSSED SENATE BILL NO. 6441,
SUBSTITUTE SENATE BILL NO. 6454,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6455,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6462,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6487,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6524,
SUBSTITUTE SENATE BILL NO. 6525,
SUBSTITUTE SENATE BILL NO. 6548,
SUBSTITUTE SENATE BILL NO. 6557,
SUBSTITUTE SENATE BILL NO. 6558,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6559,

ENGROSSED SENATE BILL NO. 6561,
SUBSTITUTE SENATE BILL NO. 6568,
SENATE BILL NO. 6600,
ENGROSSED SENATE BILL NO. 6613,
SUBSTITUTE SENATE BILL NO. 6643,
SUBSTITUTE SENATE BILL NO. 6664,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6668,
SUBSTITUTE SENATE BILL NO. 6686,
SUBSTITUTE SENATE BILL NO. 6687,
ENGROSSED SENATE BILL NO. 6696,
SENATE BILL NO. 6714,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6715,
SUBSTITUTE SENATE BILL NO. 6749,
SENATE BILL NO. 6760,
SENATE BILL NO. 6775,
ENGROSSED SENATE BILL NO. 6805,
SECOND SUBSTITUTE SENATE BILL NO. 6811,
ENGROSSED SENATE BILL NO. 6825,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8026,
SENATE JOINT MEMORIAL NO. 8027,
SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8205,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 12, 2000

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5123,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6149,
SENATE BILL NO. 6157,
SENATE BILL NO. 6160,
SENATE BILL NO. 6174,
SENATE BILL NO. 6223,
SENATE BILL NO. 6225,
SUBSTITUTE SENATE BILL NO. 6229,
ENGROSSED SENATE BILL NO. 6236,
SENATE BILL NO. 6237,
SENATE BILL NO. 6238,
SENATE BILL NO. 6275,
SUBSTITUTE SENATE BILL NO. 6361,
ENGROSSED SENATE BILL NO. 6418,
SUBSTITUTE SENATE BILL NO. 6540,
SENATE BILL NO. 6549,
SENATE BILL NO. 6570,
SUBSTITUTE SENATE BILL NO. 6663,
SENATE BILL NO. 6770,
SENATE JOINT MEMORIAL NO. 8021,
ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425,

and the same are herewith transmitted.

Tony M. Cook, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2000-4750, by Representatives Kastama, Schoesler, Kagi, Delvin, Hatfield, Buck, Linville, Woods, Keiser, Benson, McDonald, Schindler, Barlean, Sump, Dunshee, G. Chandler, B. Chandler, McMorris, Lambert, Esser, Fortunato, Cox, Wood, Cooper, Schual-Berke, Conway, Thomas and Mulliken

WHEREAS, The State Land Grant Universities Cooperative Extension Service was established by Congress and the Department of Agriculture in 1914; and

WHEREAS, Out of that system grew 4-H Youth Development, an organization committed to the education and life skills of America's youth; and

WHEREAS, The term "4-H" stands for Head, Heart, Hands, and Health. "Head" conveys clearer thinking; "Heart" conveys greater loyalty; "Hands" conveys larger service; and "Health" conveys better living; and

WHEREAS, Building on its origins as corn clubs for boys and canning clubs for girls, the 4-H Youth Development Program continues to be the largest informal education program for boys and girls. Over five million six hundred thousand youth, ages five to nineteen, from all fifty states and around the world in eighty-three countries, participate each year and develop knowledge and skills they will need to become competent, caring, productive, and contributing citizens of the world. The 4-H Program is very diverse in the project areas and educational programs it offers young people as well as in the audience it reaches; and

WHEREAS, Youth Development, in conjunction with the Cooperative Extension Service, has members in all of Washington's thirty-nine counties; and

WHEREAS, 4-H Youth Development encourages young people to become involved in their communities in a variety of ways; and

WHEREAS, Our county fairs are excellent avenues in which members of 4-H can showcase their talents; and

WHEREAS, Youth Development has, in recent years, extended its education efforts into urban areas as well as rural areas; and

WHEREAS, Members have many choices of projects in many different education fields, including social sciences, the arts, animal sciences, family living, environmental stewardship, mechanical sciences, and the study of our natural resources; and

WHEREAS, This greatly expanded and enhanced education of eighty-three thousand of our young people in Washington is due to the hard work and dedication of Cooperative Extension Services agents and program assistants from Washington State University, in concert with over ten thousand adult community volunteers; and

WHEREAS, We are honored that 4-H Youth Development members from all corners of our state are currently visiting the state capitol as part of an education program called "Know Your Government";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives welcome those delegates, extension agents, program assistants, and adult volunteers to our state capitol; and that we recognize the value of the "Know Your Government" program, as well as all of the education programs sponsored over the years by Washington State University's Cooperative Extension Service 4-H Youth Development.

There being no objection, House Resolution No. 2000-4750 was adopted.

Speaker Chopp assumed the chair.

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

SECOND READING

HOUSE BILL NO. 2120, by Representatives Radcliff, Constantine, Carrell and Kessler

Limiting stepparent liability for child support.

The bill was read the second time.

Representative Carrell moved the adoption of the following amendment (460):

On page 2, line 19, strike "termination of the relationship of husband and wife" and insert "when a petition for dissolution of marriage or a petition for legal separation is filed"

Representatives Carrell and Constantine spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, amendment (461) was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Radcliff, Constantine and Carrell spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Wolfe, Representative Scott was excused. On motion of Representative Schoesler, Representative Van Luven was excused.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 2120.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2120, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Van Luven - 2.

Engrossed House Bill No. 2120, having received the constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1218, by House Committee on Health Care (originally sponsored by Representatives Cody and Parlette; by request of Department of Health)

Modifying provisions related to nurse delegation of tasks.

Representatives Cody and Pflug spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 1218.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1218 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Van Luven - 2.

Substitute House Bill No. 1218, having received the constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2326, by Representatives Murray and Mitchell; by request of Public Works Board

Managing capital facility projects by the public works board.

The bill was read the second time. There being no objection, Substitute House Bill No. 2326 was substituted for House Bill No. 2326 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2326 was read the second time.

There being no objection, amendment (538) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2326.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2326 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken,

Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2326, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2418, by Representatives Woods, Conway, Talcott, D. Schmidt, Koster, Bush, Wensman, Carlson, Rockefeller, Kenney, Cody, Barlean, Schoesler, Sump, Cairnes, Thomas, Huff, Haigh, Mastin, McDonald, Lantz, Santos, Skinner, Ogden and McIntire

Establishing a World War II oral history project.

The bill was read the second time. There being no objection, Substitute House Bill No. 2418 was substituted for House Bill No. 2418 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2418 was read the second time.

There being no objection, amendment (488) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Woods, Haigh, Lambert, Conway and Schoesler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2418.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2418 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Substitute House Bill No. 2418, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2647, by Representatives Reardon, Scott, Cooper, Conway, Linville, Cairnes, Dunshee, Kagi, Campbell, Sullivan, Keiser, Kenney, Santos, Haigh and Hurst

Requiring safety devices for flaggers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2647 was substituted for House Bill No. 2647 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2647 was read the second time.

Representative Reardon moved the adoption of the following amendment (448):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17 RCW to read as follows:

(1) The director shall adopt rules that take effect no later than July 1, 2000, revising the signs, signals, and barricades standards governing flaggers used in traffic control operations. The rules must be designed to improve options available to ensure the safety of the traffic control operations.

(2) The director may take the necessary steps to ensure that the rules required by subsection (1) of this section take effect no later than July 1, 2000. In developing the rules, the department must consult with the Washington state department of transportation and other persons with an interest in improving the safety of traffic control operations.

NEW SECTION. **Sec. 2.** The director of the department of labor and industries must report, by September 15, 2000, to the senate labor and workforce development committee and the house commerce and labor committee on the rules adopted under section 1 of this act.

NEW SECTION. **Sec. 3.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 4.** This act shall be known and cited as the "Kim Vendl Worker Safety Act."

Correct the title.

Representatives Reardon and Clements spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reardon and Clements spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2647.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2647 and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway,

Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives G. Chandler, McMorris, Mulliken, Sump and Talcott - 5.

Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 2647, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2750, by Representatives D. Schmidt, Haigh and Romero; by request of Department of Community, Trade, and Economic Development

Including prevention for potential victims of sexual assault as a core treatment service for victims of sexual assault.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmidt, Tokuda and Haigh spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2750.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2750 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

House Bill No. 2750, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2867, by Representatives Linville, G. Chandler, Miloscia, Mitchell, Koster and Cooper

Defining a "reservoir" to include an underground geological formation.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2867 was substituted for House Bill No. 2867 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2867 was read the second time.

Representative Linville moved the adoption of the following amendment (487):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.44 RCW to read as follows:

The legislature recognizes the importance of sound water management. In an effort to promote new and innovative methods of water storage, the legislature authorizes the department of ecology to issue reservoir permits that enable an entity to artificially store and recover ground water in any underground geological formation, which qualifies as a reservoir under RCW 90.03.370.

Sec. 2. RCW 90.44.035 and 1987 c 109 s 107 are each amended to read as follows:

For purposes of this chapter:

- (1) "Department" means the department of ecology;
- (2) "Director" means the director of ecology;
- (3) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves. There is a recognized distinction between natural ground water and artificially stored ground water;
- (4) "Natural ground water" means water that exists in underground storage owing wholly to natural processes; ~~(and)~~
- (5) "Artificially stored ground water" means water that is made available in underground storage artificially, either intentionally, or incidentally to irrigation and that otherwise would have been dissipated by natural ~~((waste))~~ processes; and
- (6) "Underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection or surface spreading and infiltration. However, (a) this subsection does not apply to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a ground water subarea is established.

Sec. 3. RCW 90.03.370 and 1987 c 109 s 93 are each amended to read as follows:

(1) All applications for reservoir permits shall be subject to the provisions of RCW 90.03.250 through 90.03.320. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir shall also file an application for a permit, to be known as the secondary permit, which shall be in compliance with the provisions of RCW 90.03.250 through 90.03.320. Such secondary application shall refer to such reservoir as its source of water supply and shall show documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in said reservoir to impound enough water for the purposes set forth in said application. When the beneficial use has been completed and perfected under the secondary permit, the department shall take the proof of the water users under such permit and the final certificate of appropriation shall refer to both the ditch and works described in the secondary permit and the reservoir described in the primary permit.

(2)(a) For the purposes of this section, "reservoir" includes, in addition to any surface reservoir, any naturally occurring underground geological formation where water is collected and

stored for use as part of an underground artificial storage and recovery project. To qualify for issuance of a reservoir permit an underground geological formation must meet standards for review and mitigation of adverse impacts identified, for the following issues:

- (i) Aquifer vulnerability and hydraulic continuity;
- (ii) Potential impairment of existing water rights;
- (iii) Geotechnical impacts;
- (iv) Chemical compatibility of surface waters and ground water;
- (v) Recharge and recovery treatment requirements;
- (vi) System operation;
- (vii) Water rights and ownership of water stored for recovery; and
- (viii) Environmental impacts.

(b) Standards for review and standards for mitigation of adverse impacts shall be established by the department by rule. Notwithstanding the provisions of RCW 90.03.250 through 90.03.320, analysis of each underground artificial storage and recovery project and each underground geological formation for which an applicant seeks the status of a reservoir shall be through applicant-initiated studies reviewed by the department.

(3) For the purposes of this section, "underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection or surface spreading and infiltration. However, (a) this subsection does not apply to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a ground water subarea is established.

(4) The department shall report to the legislature by December 31, 2001, on the standards for review and standards for mitigation developed under subsection (3) of this section and on the status of any applications that have been filed with the department for underground artificial storage and recovery projects by that date."

Representatives Linville and G. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, G. Chandler, Miloscia and Schoesler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2867.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2867 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed Second Substitute House Bill No. 2867, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2872, by Representatives DeBolt, Alexander, Benson and Hatfield

Establishing an escrow procedure for the sale of manufactured homes.

The bill was read the second time. There being no objection, Substitute House Bill No. 2872 was substituted for House Bill No. 2872 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2872 was read the second time.

Representative DeBolt moved the adoption of the following amendment (511):

On page 2, beginning on line 1, strike section 2
Re-number remaining sections consecutively, correct internal references, and correct the title.
On page 10, line 1, before "December" strike "Sections 1 and 3 of this act expire" and insert "This act expires"

Representatives DeBolt and Hatfield spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives DeBolt, Hatfield, Alexander and Santos spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2872.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2872 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala,

Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 2872, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2847, by Representatives Mulliken, Edwards, Cairnes and Mielke

Providing sanctions when a local government fails to issue a final decision on a project permit application within the applicable time period.

The bill was read the second time. There being no objection, Substitute House Bill No. 2847 was substituted for House Bill No. 2847 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2847 was read the second time.

Representative Mulliken moved the adoption of the following amendment (484):

On page 2, line 22, after "periods;" strike "and"

On page 2, line 24, strike "government." and insert "government; and"

On page 2, after line 24, insert the following:

"(e) Any time period required for a state or federal agency to review a project permit application under review by the local government if: (i) such review by the state or federal agency is mandated by state or federal statute; and (ii) approval by the state or federal agency is necessary for a local government to issue a final decision."

On page 3, line 4, strike "or (d)" and insert "(d), or (e)"

Correct any internal references.

Representatives Mulliken and Doumit spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Edwards moved the adoption of the following amendment (549):

On page 3, beginning on line 24, strike all material through line 26

Representatives Edwards, Rockefeller and Mulliken spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, amendments (481) and (516) were withdrawn.

Representative Doumit moved the adoption of the following amendment (551):

On page 4, after line 5, insert the following:

"NEW SECTION. **Sec. 3.** If specific funding for the purposes of section 1 of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, section 1 of this act is null and void."

Correct the title.

Representatives Doumit and Mulliken spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken, Doumit and Edwards spoke in favor of passage of the bill.

Representative Dunshee spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2847.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2847 and the bill passed the House by the following vote: Yeas - 71, Nays - 26, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Miloscia, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Skinner, D. Sommers, H. Sommers, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 71.

Voting nay: Representatives Barlean, Cody, Constantine, Conway, Cooper, Dickerson, Dunshee, Ericksen, Fisher, Hurst, Kenney, Lantz, Lovick, McIntire, Mitchell, Murray, Radcliff, Reardon, Regala, Romero, Schual-Berke, Stensen, Veloria, Wensman, Wolfe and Wood - 26.

Excused: Representative Scott - 1.

Engrossed Substitute House Bill No. 2847, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2352, by Representatives Sullivan, Conway and Kessler

Requiring financial responsibility of certain persons who serve liquor.

The bill was read the second time.

There being no objection, the House deferred action on House Bill No. 2352, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2713, by Representatives Constantine, Hurst, Haigh and Conway

Requiring mandatory arbitration in some counties.

The bill was read the second time.

There being no objection, amendment (542) was withdrawn.

Representative Kessler moved the adoption of the following amendment (421):

On page 1, beginning on line 4, strike all of section 1

Renumber the remaining section and correct the title.

Representatives Kessler and Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Carrell moved the adoption of the following amendment (456):

On page 3, line 30, after "arbitration" insert "in counties with a population of one million or more"

Representative Carrell spoke twice in favor of the adoption of the amendment.

Representative Constantine spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The results of the division was 28-YEAS; 69-NAYS. The amendment was not adopted.

Representative Mulliken moved the adoption of the following amendment (480):

On page 3, line 33, after "ordinance" insert "and approved by a vote of the people"

There being no objection, amendment (555) was withdrawn.

Representative Constantine moved the adoption of the following amendment (556) to the amendment (480):

On page 1, line 4 of the amendment, after "people" insert "if it is determined by a court of competent jurisdiction that such a vote is required by chapter 1, Laws of 2000 (Initiative Measure No. 695)"

Representatives Constantine spoke twice in favor of the adoption of the amendment.

Representatives Carrell and Mulliken spoke against the adoption of the amendment.

The amendment to the amendment was adopted.

The amendment (480) as amended was adopted.

Representative Carrell moved the adoption of the following amendment (494):

On page 3, line 33, after "used" insert "solely"

Representative(s) Carrell and Constantine spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Representative Schoesler, Representative Thomas was excused.

Representative Constantine spoke in favor of passage of the bill.

Representative Carrell spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 2713.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2713, and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Pennington, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 79.

Voting nay: Representatives Alexander, Boldt, Carrell, Crouse, DeBolt, Dunn, Fortunato, Huff, Koster, McMorris, Mulliken, Parlette, Pflug, Schindler, Sump, Woods and Mr. Speaker Ballard - 17.

Excused: Representatives Scott and Thomas - 2.

Engrossed House Bill No. 2713, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2735, by Representatives B. Chandler, G. Chandler, Linville, Clements, Lisk and Sump

Clarifying "voluntarily fails" for water rights relinquishment purposes.

The bill was read the second time. There being no objection, Substitute House Bill No. 2735 was substituted for House Bill No. 2735 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2735 was read the second time.

Representative Linville moved the adoption of the following amendment (524):

On page 1, line 14, after "patterns" strike ", changes in cropping patterns,"

Representative(s) Linville and B. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Linville spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2735.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2735 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Scott and Thomas - 2.

Engrossed Substitute House Bill No. 2735, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2675, by Representatives Skinner, Schual-Berke, Mitchell, Fisher, McDonald, Ruderman, O'Brien and Hurst

Updating requirements for child passenger restraint systems.

The bill was read the second time. There being no objection, Substitute House Bill No. 2675 was substituted for House Bill No. 2675 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2675 was read the second time.

There being no objection, amendments (548), (424), (452), (433), (426), (453) and (547) were withdrawn.

Representative Skinner moved the adoption of the following amendment (541):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that fewer than five percent of all drivers use child booster seats for children over the age of four years. The legislature also recognizes that seventy-one percent of deaths resulting from car accidents could be eliminated if every child under the age of sixteen used an appropriate child safety seat, booster seat, or seat belt. The legislature further recognizes the National Transportation Safety Board's recommendations that promote the use of

booster seats to increase the safety of children under eight years of age. Therefore, it is the legislature's intent to decrease deaths and injuries to children by promoting safety education and injury prevention measures, as well as increasing public awareness on ways to maximize the protection of children in vehicles.

Sec. 2. RCW 46.61.687 and 1994 c 100 s 1 are each amended to read as follows:

(1) Whenever a child who is less than ~~((ten))~~ sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system as follows:

(a) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;

(b) If the child is more than one but less than ~~((three))~~ four years of age or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system ~~((that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system));~~

~~((b))~~ (c) If the child is less than ~~((ten))~~ six but at least ~~((three))~~ four years of age or weighs less than sixty pounds but at least forty pounds, the child shall be properly restrained ~~((either as specified in (a) of this subsection or with a safety belt properly adjusted and fastened around the child's body-))~~ in a child booster seat;

(d) If the child is six years of age or older or weighs more than sixty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body; and

(e) Enforcement of (a) through (d) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (d) of this subsection. The driver of a vehicle transporting a child who is under the age of six years old or weighs less than sixty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (d) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, ~~((and))~~ (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

Sec. 3. RCW 46.61.688 and 1990 c 250 s 58 are each amended to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either: (a) Wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Except for subsection (4)(b) of this section, which must be enforced as a primary action, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW to read as follows:

The traffic safety commission shall conduct an educational campaign using all available methods to raise public awareness of the importance of properly restraining child passengers and the value of seatbelts to adult motorists. The traffic safety commission shall report to the transportation committees of the legislature on the campaign and results observed on the highways. The first report is due December 1, 2000, and annually thereafter.

NEW SECTION. **Sec. 5.** This act may be known and cited as the Anton Skeen Act.

NEW SECTION. **Sec. 6.** This act takes effect July 1, 2002."

Correct the title.

Representative(s) Skinner, Schual-Berke, Cooper, Clements, Delvin, Lovick, Fortunato and Morris spoke in favor of the adoption of the amendment.

Representative(s) Lambert spoke against the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Skinner, Schual-Berke, DeBolt, Cooper, Clements and Carrell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2675.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2675 and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods and Mr. Speaker Chopp - 86.

Voting nay: Representatives G. Chandler, Crouse, Huff, Lambert, McMorris, Mulliken, Parlette, Schindler, Sump and Mr. Speaker Ballard - 10.

Excused: Representatives Scott and Thomas - 2.

Engrossed Substitute House Bill No. 2675, having received the constitutional majority, was declared passed.

There being no objection, the following bills listed on the day's floor calendar were returned to the Rules Committee:

SUBSTITUTE HOUSE BILL NO. 1074,

HOUSE BILL NO. 1464,

HOUSE BILL NO. 1626,

HOUSE BILL NO. 1923,

SUBSTITUTE HOUSE BILL NO. 1955,

HOUSE BILL NO. 2171,

HOUSE BILL NO. 2185,

HOUSE BILL NO. 2352,

HOUSE BILL NO. 2366,

HOUSE BILL NO. 2369,
HOUSE BILL NO. 2376,
HOUSE BILL NO. 2391,
HOUSE BILL NO. 2405,
HOUSE BILL NO. 2415,
HOUSE BILL NO. 2483,
HOUSE BILL NO. 2529,
HOUSE BILL NO. 2672,
HOUSE BILL NO. 2716,
HOUSE BILL NO. 2880,
HOUSE BILL NO. 2889,
HOUSE BILL NO. 2923,
HOUSE BILL NO. 3041,
HOUSE BILL NO. 2783,

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

INTRODUCTIONS AND FIRST READING

HB 3135 by Representatives Mitchell, Fisher, H. Sommers, Huff, Ericksen, Hankins, Edwards and Cooper

AN ACT Relating to depositing undesignated funds; amending RCW 82.08.020; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding a new section to chapter 43.79 RCW; adding a new section to chapter 47.66 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 3136 by Representatives Mitchell, Fisher, Ericksen, Hankins, Edwards and Cooper

AN ACT Relating to communication network charges; and amending RCW 43.89.010.

Referred to Committee on Transportation.

HB 3137 by Representatives Pflug, Edmonds, Parlette and Cody

AN ACT Relating to the establishment of the long-term care and rehabilitation administration; adding new sections to chapter 43.20A RCW; creating a new section; repealing RCW 74.39.001, 74.39.005, 74.39.030, 74.39A.005, and 74.39A.007; and declaring an emergency.

Referred to Committee on Health Care.

HB 3138 by Representatives Bush and Lovick

AN ACT Relating to the privatization of safety rest areas; amending RCW 74.18.220 and 47.50.090; and adding new sections to chapter 47.38 RCW.

Referred to Committee on Transportation.

HB 3139 by Representatives Huff, Doumit, Eickmeyer, Buck, Haight, Parlette, Kessler and Hatfield

AN ACT Relating to providing for an interim policy regarding log export restricts.

Held on 1st Reading.

HB 3140 by Representatives D. Schmidt, Constantine and Lambert

AN ACT Relating to clarifying that the use of internet links to web sites operated by the state does not constitute the use of public facilities to assist a campaign; and amending RCW 42.52.180.

Referred to Committee on State Government.

HJM 4028 by Representatives Mitchell and Fisher

AN ACT Relating to petitioning for a return of highway funds to the state from the federal government.

Referred to Committee on Transportation.

ESSB 5001 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Morton, Deccio, Honeyford, T. Sheldon, Swecker, Hargrove, Rossi, Hochstatter, Oke and Rasmussen)

Authorizing hunting of cougar with the aid of dogs.

Referred to Committee on Natural Resources.

SB 5033 by Senators Winsley, Fraser, Long, Jacobsen, Bauer, Franklin, Roach and Rasmussen; by request of Joint Committee on Pension Policy

Separating from public employees' retirement system plan 1.

Referred to Committee on Appropriations.

SB 5123 by Senators Fairley and Oke; by request of Department of Labor & Industries

Regulating factory assembled structures.

Referred to Committee on Commerce & Labor.

SSB 5330 by Senate Committee on Higher Education (originally sponsored by Senators Brown, Goings, Franklin, Patterson, Eide, B. Sheldon, Winsley, Costa, Oke, Bauer and Rasmussen)

Treating active duty military personnel as residents for purposes of higher education tuition.

Referred to Committee on Higher Education.

SSB 5349 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Spanel, Long, Fairley, Kohl-Welles, Snyder, Kline, Franklin, Thibaudeau, Wojahn, Rasmussen, Patterson, Deccio and Prentice)

Providing insurance coverage for cranial hair.

Referred to Committee on Health Care.

E2SSB 5540 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Wojahn and Thibaudeau; by request of Department of Health)

Concerning the public disclosure of department of health information received through the hospital licensing process.

Referred to Committee on Health Care.

SSB 5590 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Wojahn and Winsley; by request of Superintendent of Public Instruction)

Expanding the health professionals who may request administration of oral medication at school.

Referred to Committee on Health Care.

E3SSB 5598 by Senate Committee on Higher Education (originally sponsored by Senators McAuliffe, Finkbeiner, West, Jacobsen, Long, Kline, Costa, Snyder, Eide, Patterson, Hale and Winsley; by request of Governor Locke)

Creating the Washington's promise scholarship program.

Referred to Committee on Higher Education.

2SSB 5659 by Senate Committee on Judiciary (originally sponsored by Senators Heavey, Roach, Kline, Johnson, Costa and Thibaudeau)

Changing mandatory arbitration of civil actions.

Referred to Committee on Judiciary.

SSB 5881 by Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Oke, Costa and Winsley; by request of Governor Locke and Attorney General)

AN ACT Relating to regulating youth access to tobacco products.

Referred to Committee on Commerce & Labor.

SB 5944 by Senators Haugen and Snyder

Describing those lands eligible to be included in a city district aquatic lands management agreement.

Referred to Committee on Natural Resources.

SSB 6034 by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Brown, Hochstatter and Winsley)

Restricting information about cable subscribers.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6071 by Senate Committee on Judiciary (originally sponsored by Senators Rossi, Johnson, McCaslin, T. Sheldon and Oke)

Increasing penalties for hit and run where an injury or death occurs.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6149 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen, T. Sheldon and Rasmussen; by request of Commissioner of Public Lands)

Allowing the disposition of state forest lands without public auction.

Referred to Committee on Natural Resources.

SB 6157 by Senators Patterson, Gardner, Eide and Haugen

Modifying the definition of "city" for the multiple-unit dwellings property tax exemption.

Referred to Committee on Finance.

SB 6160 by Senators Snyder, Loveland and Sellar

Paying travel expenses for certain state investment board applicants.

Referred to Committee on Appropriations.

SB 6174 by Senators Jacobsen, Oke and McAuliffe; by request of Parks and Recreation Commission

Extending the tenure of the winter recreation advisory committee.

Referred to Committee on Natural Resources.

SSB 6194 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators T. Sheldon, Oke, Jacobsen, Stevens, Morton, Rasmussen, Gardner and Spanel)

Attempting to limit the incidents of rural garbage dumping.

Referred to Committee on Criminal Justice & Corrections.

SSB 6202 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Stevens, Hargrove, Long, Costa, Fairley, McAuliffe and Winsley)

Providing limitations on placement of a child in out-of-home care when a conflict of interest exists.

Referred to Committee on Children & Family Services.

ESSB 6218 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long and Costa)

Making technical and clarifying amendments to the family reconciliation act.

Referred to Committee on Children & Family Services.

SB 6223 by Senators Hargrove, Long, Costa and Kohl-Welles; by request of Sentencing Guidelines Commission

Reorganizing sentencing provisions.

Referred to Committee on Criminal Justice & Corrections.

SB 6225 by Senators Fairley and Winsley; by request of Department of Social and Health Services

Updating definitions of income and resources.

Referred to Committee on Children & Family Services.

SSB 6229 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen and Oke)

Promoting wildlife viewing.

Referred to Committee on Natural Resources.

ESB 6232 by Senators Fairley, Oke, Hochstatter and Rasmussen; by request of Office of the Lieutenant Governor, Department of Labor & Industries and Department of Social and Health Services

Evaluating drug-free workplace programs.

Referred to Committee on Commerce & Labor.

ESB 6236 by Senator Fairley; by request of Employment Security Department

Promoting efficiency with respect to employment and related services.

Referred to Committee on Commerce & Labor.

SB 6237 by Senator Fairley; by request of Employment Security Department

Modifying who may deduct processing fees for certain payroll deductions.

Referred to Committee on Commerce & Labor.

SB 6238 by Senator Fairley; by request of Employment Security Department

Addressing the eligibility for unemployment insurance benefits when an employee voluntarily participates in an employer initiated layoff.

Referred to Committee on Commerce & Labor.

SSB 6244 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, McCaslin, Kline, Long, Prentice, Zarelli, Fairley, Gardner, Thibaudeau, Heavey, Goings, Kohl-Welles, McAuliffe and Winsley)

Extending juvenile court jurisdiction for the purpose of enforcing penalty assessments.

Referred to Committee on Criminal Justice & Corrections.

SSB 6259 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Patterson, Prentice, Shin, Eide, Heavey, Deccio, Gardner, Kohl-Welles, McAuliffe, Kline, Thibaudeau, Franklin, Bauer, Goings and Costa)

Issuing credit cards to persons under the age of twenty-one.

Referred to Committee on Financial Institutions & Insurance.

ESSB 6264 by Senate Committee on Transportation (originally sponsored by Senators Eide, Costa, Swecker, Gardner, Kohl-Welles, Shin, Patterson, Brown, Haugen, Jacobsen, McAuliffe, Sheahan, Rasmussen, Fairley, Goings and Franklin)

Establishing intermediate drivers' licenses.

Referred to Committee on Transportation.

SB 6272 by Senators Franklin, McCaslin, Heavey, Long, Sheahan, Goings, Hargrove and Snyder

Modifying laws that regulate private communications or conversations.

Referred to Committee on Judiciary.

SB 6275 by Senators McAuliffe and Zarelli; by request of Public Works Board

Providing loans for certain public works projects.

Referred to Committee on Capital Budget.

SB 6285 by Senators Hargrove, Rasmussen, McAuliffe, Oke and Kohl-Welles

Establishing Pearl Harbor remembrance day.

Referred to Committee on State Government.

SSB 6294 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen, Haugen and Oke)

Creating the aquatic nuisance species committee.

Referred to Committee on Natural Resources.

SB 6298 by Senators Kohl-Welles, McAuliffe, Sheahan, Shin, B. Sheldon, Bauer, Winsley and Kline

Providing a space-available tuition waiver at public institutions of higher education for certain educational employees.

Referred to Committee on Higher Education.

ESSB 6305 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin and Kohl-Welles)

Changing provisions relating to guardians ad litem.

Referred to Committee on Judiciary.

SSB 6328 by Senate Committee on Education (originally sponsored by Senators Franklin and Winsley)

Requiring training for persons administering oral medications at school.

Referred to Committee on Health Care.

SSB 6336 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Sheahan and Costa; by request of Department of Corrections)

Eliminating retroactive tolling provisions for restitution/legal financial obligations and allowing tolling for other forms of supervision.

Referred to Committee on Criminal Justice & Corrections.

SSB 6357 by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Horn, Haugen, Honeyford, Loveland, Winsley, Kline, McCaslin, Gardner and Spanel)

Funding the municipal research council.

Referred to Committee on Appropriations.

SSB 6361 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Zarelli, Hargrove, Hale, Honeyford, McCaslin, Hochstatter, Swecker, Johnson, Roach, Stevens, Oke, Benton and Kohl-Welles)

Protecting children at the state school for the deaf and the state school for the blind from abuse and neglect.

Referred to Committee on Children & Family Services.

SB 6362 by Senators Zarelli, Hargrove, Honeyford, Hochstatter, Johnson, Swecker and Stevens

Changing provisions relating to the removal and placement of foster children.

Referred to Committee on Children & Family Services.

ESB 6364 by Senators Wojahn, Hochstatter, Fairley, Deccio, Prentice, Hargrove, Thibaudeau, Jacobsen, Winsley, Costa, Kohl-Welles and Oke

Including preapprenticeship programs in the definition of work activity.

Referred to Committee on Children & Family Services.

SSB 6365 by Senate Committee on Labor & Workforce Development (originally sponsored by Senators Wojahn, Hochstatter, Fairley, Long, Deccio, Prentice, Hargrove, Thibaudeau, Jacobsen, Winsley, Costa, Kohl-Welles and McAuliffe)

Developing apprenticeship opportunities for WorkFirst clients.

Referred to Committee on Children & Family Services.

SB 6366 by Senators Brown, Hochstatter, Roach, Spanel, Shin, Prentice, Costa, Kohl-Welles, McAuliffe, Fraser, Thibaudeau, B. Sheldon, T. Sheldon, Bauer, Eide, Jacobsen, Gardner, Haugen, Patterson, Rasmussen, Winsley and Oke

Prohibiting false advertising through electronic communication.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6367 by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Brown, Hochstatter, Roach, Kohl-Welles, Spanel, Franklin, Jacobsen, Prentice, Costa, McAuliffe, Fairley, Haugen, B. Sheldon, Thibaudeau, Shin, T. Sheldon, Bauer, Wojahn, Eide, Gardner, Patterson, Rasmussen, Winsley and Oke)

Requiring telephone advertising clarity and disclosure.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6375 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Franklin, Stevens, Kohl-Welles, Winsley, Costa and McAuliffe)

Clarifying timelines, information sharing, and evidentiary standards in mental health competency procedures.

Referred to Committee on Judiciary.

ESSB 6295 by Senate Committee on Judiciary (originally sponsored by Senators Heavey, McCaslin, Johnson, T. Sheldon, Swecker, Long and Deccio)

Changing garnishment proceedings.

Referred to Committee on Judiciary.

SB 6378 by Senators Fraser, Brown and Snyder; by request of Department of Emergency Management

Extending the tenure of the enhanced 911 advisory committee.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6383 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland and Haugen)

Restricting eligibility for retirement allowance adjustments.

Referred to Committee on Appropriations.

ESSB 6389 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove and Long)

Extending juvenile court jurisdiction over permanency planning matters in dependency proceedings.

Referred to Committee on Judiciary.

ESSB 6395 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Hochstatter, Fairley, Swecker and Winsley)

Changing provisions relating to the use of DNA information.

Referred to Committee on Judiciary.

E2SSB 6400 by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Costa, Kohl-Welles, Winsley, Rasmussen and McAuliffe; by request of Governor Locke)

Changing provisions relating to domestic violence.

Referred to Committee on Criminal Justice & Corrections.

SSB 6411 by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Spanel, Gardner, Brown, Fairley, Franklin, B. Sheldon, Shin, Kline, Patterson, Haugen, Kohl-Welles, Costa, Thibaudeau, Prentice, Fraser and Goings)

Studying the energy facility siting process.

Referred to Committee on Technology, Telecommunications & Energy.

ESB 6418 by Senators McAuliffe, Eide, Brown, Rasmussen, Bauer, Goings, Costa, Kohl-Welles and Wojahn

Establishing a process to determine when the high school assessment is valid and reliable.

Referred to Committee on Education.

SSB 6419 by Senate Committee on Transportation (originally sponsored by Senators Swecker, Gardner, Fraser, T. Sheldon, Goings, Rasmussen and Oke)

Increasing penalties for vehicle abandonment.

Referred to Committee on Transportation.

ESSB 6432 by Senate Committee on State & Local Government (originally sponsored by Senators B. Sheldon, Horn, Haugen, Winsley, Sheahan, T. Sheldon, McAuliffe, Jacobsen and Gardner)

Designating the preservation and development of national historic towns outside of urban growth areas.

Referred to Committee on Local Government.

SSB 6442 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Spanel, Winsley, Prentice, Gardner, Kline and Haugen)

Defining affordable housing.

Referred to Committee on Economic Development, Housing & Trade.

SSB 6459 by Senate Committee on Judiciary (originally sponsored by Senators Bauer and Rasmussen)

Prohibiting the use of identifying information to solicit undesired mail.

Referred to Committee on Judiciary.

SSB 6467 by Senate Committee on Transportation (originally sponsored by Senators Goings, Haugen, Eide, Sellar and Winsley)

Reversing the 1999 license fraud law.

Referred to Committee on Transportation.

SSB 6479 by Committee on Education (originally sponsored by Senators Eide, McAuliffe, Goings, Brown, Patterson, Costa, Fraser, Jacobsen, Kline, Rasmussen and Kohl-Welles)

AN ACT Relating to addressing concerns about pesticide use in schools.

Held on 1st Reading.

SB 6515 by Senators Heavey, McCaslin and Kline

Requiring mandatory arbitration in some counties.

Referred to Committee on Judiciary.

SB 6518 by Senators Wojahn, Winsley, Thibaudeau and Kohl-Welles; by request of Department of Health

Modifying home health, home care, hospice, and in-home services.

Referred to Committee on Health Care.

ESSB 6530 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Long, Snyder, Franklin, Bauer, Honeyford, Jacobsen, Fairley, Haugen, Roach, Zarelli, Rasmussen, Goings, McAuliffe, Patterson, Eide, Winsley, Hale, Costa, Kohl-Welles, Stevens, B. Sheldon, Gardner and Spanel; by request of Joint Committee on Pension Policy)

Pertaining to plans 2 and 3 of the state retirement systems.

Referred to Committee on Appropriations.

SSB 6531 by Senate Committee on Ways & Means (originally sponsored by Senators Long, Fraser, Winsley, Honeyford, Fairley, McAuliffe, Franklin, Bauer, Goings, Haugen, Hale, Rasmussen, Patterson, Eide, Kohl-Welles, Snyder, Stevens, B. Sheldon, Gardner, Spanel and Zarelli; by request of Joint Committee on Pension Policy)

Modifying the Washington school employees' retirement system plan 2 and 3.

Referred to Committee on Appropriations.

SB 6532 by Senators Honeyford, Winsley, Long, Fraser, Bauer, Kohl-Welles, Costa, Hale, Stevens, B. Sheldon, Gardner and Zarelli; by request of Joint Committee on Pension Policy

Decreasing the employee contribution rate for the Washington state patrol retirement system.

Referred to Committee on Appropriations.

ESSB 6533 by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Winsley, Bauer, Honeyford, Jacobsen, Long, Haugen, Fairley, Goings, Rasmussen, Patterson, Eide, Kohl-Welles, Stevens, B. Sheldon, Gardner, Spanel and Zarelli; by request of Joint Committee on Pension Policy)

Creating additional options for payment of retirement allowances.

Referred to Committee on Appropriations.

SB 6534 by Senators Bauer, Winsley, Long, Franklin, Honeyford, Fairley, Haugen, Rasmussen, Jacobsen, McAuliffe, Goings, Patterson, Eide, Kohl-Welles, Stevens, B. Sheldon, Gardner and Spanel; by request of Joint Committee on Pension Policy

Establishing eligibility for the employee attendance incentive program.

Referred to Committee on Appropriations.

ESB 6537 by Senators Fraser, Winsley, Bauer, Franklin, Jacobsen, Patterson, Kohl-Welles, Snyder, Costa and Gardner; by request of Governor Locke

Providing for early retirement under the public employees' retirement system for affected employees of specific state agencies specifically designated for a reduction in staffing.

Referred to Committee on Appropriations.

SSB 6540 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Shin, Prentice, Hale, Jacobsen, Gardner, Heavey, B. Sheldon, Rasmussen, Oke, Costa, Winsley and Kohl-Welles; by request of Lieutenant Governor)

Developing a state-wide strategic plan for economic development.

Referred to Committee on Economic Development, Housing & Trade.

SB 6549 by Senators Horn, Haugen, Benton, Oke and Winsley

Repealing outdated railway regulations.

Referred to Committee on Transportation.

SB 6570 by Senators Hargrove, Costa and Long

Providing additional judicial authority in truancy petitions.

Referred to Committee on Education.

SSB 6589 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Hale, Deccio, Rasmussen, Loveland, B. Sheldon, West, McAuliffe and Kohl-Welles)

Allowing domestic wineries to exercise licensing privileges at up to two additional locations.

Referred to Committee on Commerce & Labor.

SB 6602 by Senators Loveland and Patterson

Revising membership of certain LEOFF disability boards.

Referred to Committee on Appropriations.

SSB 6621 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, McCaslin, Kline, Long, Heavey, Haugen, Hargrove, Thibaudeau, Zarelli, Oke, Rasmussen and Kohl-Welles)

Creating a task force to study the interstate compact for adult offender supervision.

Referred to Committee on Criminal Justice & Corrections.

SSB 6626 by Senate Committee on Education (originally sponsored by Senators Roach, Benton, Swecker, Johnson, Stevens, Zarelli, Honeyford, Morton, Finkbeiner, Hochstatter and Hale)

Authorizing the conditional employment of teachers with lapsed certificates.

Referred to Committee on Education.

SSB 6644 by Senate Committee on State & Local Government (originally sponsored by Senators Goings, Prentice, Fairley, Rasmussen, Haugen and Costa)

Making technical corrections to fire protection laws.

Referred to Committee on Financial Institutions & Insurance.

SSB 6645 by Senate Committee on Higher Education (originally sponsored by Senators Eide, Swecker, Brown, Rasmussen, McAuliffe, Goings, Patterson, Hochstatter, Zarelli, Kohl-Welles, Finkbeiner, Shin and Bauer; by request of Governor Locke and Superintendent of Public Instruction)

Extending the future teachers conditional scholarship program for classified employees and modifying the program.

Referred to Committee on Higher Education.

SSB 6663 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Wojahn, Prentice, Winsley and Kohl-Welles)

Preserving federally assisted housing and minimizing the involuntary displacement of tenants residing in such housing.

Referred to Committee on Economic Development, Housing & Trade.

SSB 6675 by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Brown, Hochstatter, Hargrove, Costa and Sheahan; by request of Governor Locke)

Allowing public utility districts and rural port districts to provide telecommunications services.

Referred to Committee on Technology, Telecommunications & Energy.

ESSB 6676 by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Finkbeiner and Brown; by request of Governor Locke)

Concerning the use of public rights of way in cities and towns.

Referred to Committee on Technology, Telecommunications & Energy.

ESB 6677 by Senators Brown and Finkbeiner; by request of Governor Locke

Allowing new forms of regulation of telecommunications companies.

Referred to Committee on Technology, Telecommunications & Energy.

SB 6678 by Senators Rasmussen, Roach, Patterson, West, Heavey, Deccio, Winsley, Honeyford, Snyder, Morton, T. Sheldon, Benton, Johnson, Gardner, McDonald, Stevens, Eide, Kohl-Welles, Bauer, Sheahan, Thibaudeau and Shin

Repealing parimutuel wagering sunset provisions.

Referred to Committee on Commerce & Labor.

SSB 6680 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Winsley, Gardner, Deccio, Heavey, Shin, Prentice, Hale, T. Sheldon, Sheahan, Swecker, Eide, Stevens, Fraser, Morton, Honeyford, Spanel, Jacobsen, B. Sheldon, Patterson and Oke)

Requiring recommendations for continued funding assistance of fairs and youth shows.

Referred to Committee on Appropriations.

SSB 6682 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Winsley and Kohl-Welles; by request of Department of Social and Health Services)

Developing a workplace safety plan for state hospitals.

Referred to Committee on Commerce & Labor.

SB 6688 by Senators Goings, Patterson, Haugen and Rasmussen

Modifying fire district benefit charge provisions.

Referred to Committee on Local Government.

SB 6700 by Senators Swecker, Rasmussen, Snyder, Eide, Hargrove, Roach, Honeyford, Jacobsen, Sheahan, Zarelli, Oke, Hochstatter, Fraser and Benton

Removing provisions that would forfeit the sales and use tax exemption for coal-fired thermal electric generation facilities if the coal used was mined outside of specified counties.

Referred to Committee on Technology, Telecommunications & Energy.

SB 6703 by Senators Costa, Long, Hargrove, Winsley, Kline and Kohl-Welles; by request of Department of Community, Trade, and Economic Development

Including prevention for potential victims of sexual assault as a core treatment service for victims of sexual assault.

Referred to Committee on Children & Family Services.

SSB 6722 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Snyder, Stevens, Rasmussen and Oke)

Restricting disclosure of unfounded allegations of child abuse and neglect.

Referred to Committee on Children & Family Services.

2SSB 6731 by Senate Committee on Ways & Means (originally sponsored by Senators Spanel and Gardner)

AN ACT Relating to creating a Lake Whatcom forest land management plan.

Held on 1st Reading.

ESSB 6732 by Senate Committee on State & Local Government (originally sponsored by Senators Spanel, Haugen and Sellar)

Clarifying the definition of "tourism-related facility."

Referred to Committee on Local Government.

SSB 6740 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Long, Hale, Kohl-Welles and Rasmussen; by request of Washington State Patrol)

Providing service credit for certain members of the Washington state patrol retirement system.

Referred to Committee on Appropriations.

SB 6741 by Senators Horn, Fairley, Winsley and Oke; by request of Washington State Patrol

Adding the secretary of corrections to the organized crime advisory board.

Referred to Committee on Criminal Justice & Corrections.

SB 6748 by Senators Sellar, Patterson, McCaslin and T. Sheldon

Increasing local government debt limits to finance capital facilities.

Referred to Committee on Local Government.

SB 6770 by Senators Kohl-Welles, Sheahan and Costa; by request of State Board for Community and Technical Colleges

Allowing exceptional faculty awards to be used for faculty development and in-service training.

Referred to Committee on Higher Education.

SSB 6792 by Senate Committee on Ways & Means (originally sponsored by Senators Snyder, Long, Fraser, Loveland, Winsley, Horn, Benton, Franklin, Honeyford, B. Sheldon, Bauer, Kline, Haugen, Rasmussen, McDonald, Gardner, West, Hargrove, Rossi, Kohl-Welles, McAuliffe, Fairley, Prentice, Goings, Jacobsen, Spanel, Oke, Hale, Morton, Roach, Sellar, Finkbeiner, Sheahan, Stevens, Patterson and Johnson)

Paying medical benefits provided under chapter 41.26 RCW to law enforcement officers' and fire fighters' retirement system plan 1 retirees.

Referred to Committee on Appropriations.

SSB 6812 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senator Prentice)

Allowing contract brewing by domestic brewers.

Referred to Committee on Commerce & Labor.

SB 6829 by Senators Winsley, Costa, Long, Fairley, Snyder, Bauer, Fraser, Franklin and Kohl-Welles

Making an irrevocable choice to become a member of the Washington school employees' retirement system plan 2 or plan 3.

Referred to Committee on Appropriations.

ESJM 8015 by Senators Honeyford, Rasmussen, Fairley, Oke, Patterson, Heavey, Rossi, Hargrove, McAuliffe, Winsley, Bauer, Stevens and Kohl-Welles

Requesting businesses owned by disabled persons be a subcategory of minority business enterprises.

Referred to Committee on Commerce & Labor.

SJM 8019 by Senators Eide, Patterson, Johnson, Kohl-Welles, Rasmussen, McDonald, McAuliffe, Sellar, Roach, Kline, B. Sheldon and Gardner

Petitioning Congress to consider formula grants for gifted and talented education programs in its reauthorization of the Elementary and Secondary Education Act.

Referred to Committee on Education.

SJM 8021 by Senators Spanel, Haugen, Gardner and Kline

Requesting the designation of the Paul N. Luvera, Sr. Memorial Highway.

Referred to Committee on Transportation.

SJR 8214 by Senators Wojahn, McDonald, Loveland and Winsley

Amending the Constitution to allow certain trust fund moneys to be invested as authorized by the legislature.

Referred to Committee on Appropriations.

ESSCR 8425 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles and Sheahan; by request of Higher Education Coordinating Board)

Adopting the recommendations of the higher education coordinating board's year 2000 update of the master plan.

Referred to Committee on Higher Education.

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

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Wednesday, February 16, 2000, the 38th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

THIRTY SEVENTH DAY, FEBRUARY 15, 2000

JOURNAL OF THE HOUSE

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

THIRTY EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 16, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Callie Rhee and Gabriel Rhee. Prayer was offered by Pastor Terry Thomas, New Life International Christian Church, Kirkland.

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

MESSAGES FROM THE SENATE

February 15, 2000

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6201,

SENATE BILL NO. 6206,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 15, 2000

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5132,

SUBSTITUTE SENATE BILL NO. 5704,

THIRD SUBSTITUTE SENATE BILL NO. 5848,
SUBSTITUTE SENATE BILL NO. 6182,
SENATE BILL NO. 6211,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6212,
SUBSTITUTE SENATE BILL NO. 6214,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6217,
ENGROSSED SENATE BILL NO. 6234,
SECOND SUBSTITUTE SENATE BILL NO. 6255,
SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6260,
SUBSTITUTE SENATE BILL NO. 6263,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6347,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6354,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6363,
SECOND SUBSTITUTE SENATE BILL NO. 6369,
SUBSTITUTE SENATE BILL NO. 6373,
SUBSTITUTE SENATE BILL NO. 6401,
SENATE BILL NO. 6429,
SENATE BILL NO. 6431,
ENGROSSED SENATE BILL NO. 6446,
SUBSTITUTE SENATE BILL NO. 6450,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6478,
SUBSTITUTE SENATE BILL NO. 6502,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6513,
SUBSTITUTE SENATE BILL NO. 6552,
SUBSTITUTE SENATE BILL NO. 6554,
ENGROSSED SENATE BILL NO. 6555,

SENATE BILL NO. 6579,
SUBSTITUTE SENATE BILL NO. 6586,
ENGROSSED SENATE BILL NO. 6606,
ENGROSSED SENATE BILL NO. 6617,
SUBSTITUTE SENATE BILL NO. 6618,
SENATE BILL NO. 6622,
SENATE BILL NO. 6642,
SENATE BILL NO. 6666,
SENATE BILL NO. 6667,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6683,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6690,
SENATE BILL NO. 6713,
SENATE BILL NO. 6743,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6761,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6773,
SUBSTITUTE SENATE BILL NO. 6781,
SENATE JOINT MEMORIAL NO. 8022,
SENATE JOINT MEMORIAL NO. 8025,

and the same are herewith transmitted.

Tony M. Cook, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4731, by Representatives O'Brien, Wood, Wensman, Clements, Santos, Carlson, Quall, Edmonds, Thomas and McDonald

WHEREAS, February 16, 2000, has been designated Automotive Youth Educational Systems Day; and

WHEREAS, Profound economic and technological changes in our society are being rapidly reflected in the structure and nature of work, thereby placing new and additional responsibilities on educational systems; and

WHEREAS, Automotive Youth Educational Systems provides Americans with a school-to-career connection and is the backbone of a strong, well-educated work force, which meets both academic and skills standards, fosters productivity in business and industry, and contributes to Washington state's leadership in the marketplace; and

WHEREAS, Automotive Youth Educational Systems gives high school students experience in practical, meaningful applications of basic skills such as reading, writing, and mathematics, thus improving the quality of their education, motivating students, and giving automotive students leadership opportunities in the automotive industry and in their communities; and

WHEREAS, Automotive Youth Educational Systems provides the model partnership between education and business and industry and with the Puget Sound Automobile Dealers Association and Automobile Service Association in the state of Washington; and

WHEREAS, Automotive Youth Educational Systems provides a model articulation between the secondary system and the postsecondary system that allows high school students to progress based on what they know and can do; and

WHEREAS, The ever increasing cooperative efforts of Automotive Youth Educational Systems, business, and industry stimulate the growth and vitality of our local economy and that of the entire state by preparing students for a career forecast to experience the largest and fastest growth in the next decade;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives and urge all citizens to become familiar with the services and benefits offered by the Automotive Youth Educational Systems programs in this state and support and participate in these programs to enhance their individual work skills and productivity.

Representative O'Brien moved adoption of the resolution.

Representatives O'Brien, Edmonds, Cairnes and Kenney spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4731 was adopted.

HOUSE RESOLUTION NO. 2000-4747, by Representatives Delvin, Romero, Thomas, Wensman and Hankins

WHEREAS, The Distributive Education Clubs of America, or DECA, an association of marketing students, is a student-centered organization whose program of leadership and personal development is designed specifically for students enrolled in marketing education programs, and is a cocurricular organization that serves as an important extension of classroom instruction; and

WHEREAS, DECA is the only student organization operating in all fifty states, the United States Territories, and Canada that attracts individuals to productive careers in marketing, management, and entrepreneurship; and

WHEREAS, DECA members understand the importance of the DECA Diamond, which includes leadership development, social intelligence, vocational understanding, and civic consciousness. DECA participants are leaders preparing for employment and community involvement; and

WHEREAS, DECA involves about eleven thousand students state-wide in skill-based educational programs, including classroom instruction, work-based learning, and community service; and

WHEREAS, DECA and Marketing Education supports the economy by preparing students for the workplace, improving employment opportunities for Washingtonians, and building students' self-esteem and confidence;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the week of February 13, 2000, as "National DECA Week"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to each high school student listed in this resolution who is a graduating senior and has completed three hundred sixty or more hours in the DECA program; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the students from:

RICHLAND HIGH SCHOOL: Josh Snyder, Jason Jarrett, Mark Michael, Joe Roberts, Jackie Foss, Christina Grabner, Sarah Hendricksen, Bryan Payne, and Chad Bautch.

KAMIAKIN HIGH SCHOOL: Lee Adams, Shauna Aikele, Katherine Ashbeck, Janae Austin, Christine Babenko, Mike Baird, Kaelen Ball, Marti Bates, Jennifer Beckner, Jessica Bee, Brianne Bowen, Matt Bullis, Tyler Campbell, Jolene Carlson, David Dunn, Melissa Earls, Kyle Easley, Danae Ford, Kim Fulwyler, Angela Garcia, Jennifer Green, Bailie Jones, Tim Klees, Eric Kopp, Kris Lapp, Jerrod Lindblom, Craig Lindgren, John Lively, Tom Mengelos, Mande Moses, Chelsea Neer, Susan Older, Alex Parker, Luke Roloff, Lacey Scheuerlein, Hillary Sklinchar, Justin Strait, Kristen Titera, Steven White, Julie Wiberg, and Rischel Wright.

KENNEWICK HIGH SCHOOL: Vincent Sainz, Kevin Hatch, Ben Boleware, and Ezequiel Rivera.

PASCO HIGH SCHOOL: Sonny Virakpanyou, Amber King, Amy McKeown, Brooklynn Mitchell, Tyler Halliday, Daisy Moreno, Danielle Maki, Efren Ramos, Freddy Izaguirre, Guadalupe De La Mora, Joe May, John Mays, Juan Gonzales, Juli VanderSchoor, Kayla Williams, Kristina Sanchez, Lisa Monteagudo, Lydia Rivera, Mario Montez, Michael Towne, Mitchell Rodriguez, Nathaniel Thompson, Rebecca Campbell, Ricky Salinas, Shaun Gleason, and Wesley Kerr.

GRANDVIEW HIGH SCHOOL: Julie Aquilera, Erika Donaldson, Lucas Fortune, Elena Garcia, Jessica Hanen, Tony Luper, Chelsea McPherson, Andrew Penwell, Willie Rodriguez, Sarah Smasne, Ronda Walker, Stephanie Whitney, Melissa Raymond, Lindsey Weddle, Jason Greene, Mekenna Schwisow, Melodie Ulsh, Jared Carpino, Miles Metter, and Souta Nozaka.

CAPITAL HIGH SCHOOL: Randi Aud, Jessie Baguley, Scott Barber, April Baumhofer, Crystal Beach, Jake Berschauer, Kara Bjorkland, Mollie Brogan, Lysie Camus, Skyler Fulton, Katie Gillespie, Jonah Gross, Scott Issacson, Emily Kurz, Cory Leicht, Kyle Lentz, Sherilyn Lightner, Gina Marshall, Whitney May, Kris McIsaac, Katrina McMahan, Lilyana Phill, Jake Rothfels, Jill Sandberg, Barry Specht, Dana Stone, Joey Swanson, Thanh Tan, and Nick Thompson.

OLYMPIA HIGH SCHOOL: Angel Castillo, Stephanie Gregoire, Erin Thompson, Jackie Van Hoose, Makayla Hurd, Mila Abad, Trisha Adams, Alana Friedman, Kristi Young, Justin Peterson, and Lindsay Deskins.

RIVER RIDGE HIGH SCHOOL: Brooke Barnowe-Meyer, Anne Bosse, Timi Bryan, Heather Christian, Falynn Cocchi, Sarah Craig, Derek Estrada, Melissa Fleming, Kim Gravely, Amanda Guill, Doug Halvorson, Francesca Harris, Ceslee Horner, Nate Jensen, Matt Jones, Josh Korzilius, Amy Leeberg, Ashley Light, Nicole Mazikowski, Theresa Neri, Becky Payne, Larissa Plaquet, Justin Robbins, Cory Romito, Pov Sam, and Tonika Vickers.

TIMBERLINE HIGH SCHOOL: Jessica Beard, Brandy Blodgett, Jocelyn Campbell, Nikki Chatwood, Imani Davis, Robin Deligeannis, Lindsay Gray, Noelle Hubbard, Nichole Huffman, Brooke Jordan, Taylor Kinley, Nadia Krein, Alson Merten, Kristin Raben, Frank Smith, Mark Turner, and Adrienne Walker.

NORTH THURSTON HIGH SCHOOL: Marisa Hussey, Beth Havens, Ben Ford, Melanie Potter, Deanna Green, Meri Kirkwood, Marissa Jones, Naziroha Ahmath, Jennifer Sborov, and Laren Bell.

Representative Delvin moved adoption of the resolution.

Representatives Delvin, Romero, Koster and Wolfe spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4747 was adopted.

HOUSE RESOLUTION NO. 2000-4754, by Representatives Pflug, Thomas, Wensman and Fortunato

WHEREAS, Tahoma High School has won the state "We the People" competition, a competition on the United States Constitution, for the sixth year in a row; and

WHEREAS, Tahoma High School has competed in the National "We the People" competition the last five years, finishing fourth in the nation in 1997 and winning the Western Region award in 1998; and

WHEREAS, The "We the People" competition was held in Olympia and televised live on TVW; and

WHEREAS, Tahoma High School students, representing the 8th Congressional District, committed themselves to rigorous study and in-depth discussion of the United States Constitution and the rights that we have as Americans; and

WHEREAS, Every Senior at Tahoma High School studies the same curriculum, but only one class participates in the "We the People" competition; and

WHEREAS, Tahoma High School teachers have a deep passion for teaching, a solid command of their subject matter, and a heartfelt desire to instill the fundamentals of good citizenship in their students; and

WHEREAS, The result of the exceptional ability, motivation, and skill of both students and teachers is the outstanding success of Tahoma High School in winning the state "We the People" competition;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the students and teachers of Tahoma High School for their dedication and effort to the study of knowledge, especially about the United States Constitution and the ideals it represents; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Tahoma High School.

Representative Pflug moved adoption of the resolution.

Representatives Pflug and Thomas spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4754 was adopted.

INTRODUCTIONS AND FIRST READING

HB 3139 by Representatives Huff, Doumit, Eickmeyer, Buck, Haight, Parlette, Kessler and Hatfield

AN ACT Relating to providing for an interim policy regarding log export restricts.

Held on 1st Reading from February 15, 2000.

HB 3141 by Representatives Cody and Parlette

AN ACT Relating to certification of herbalists; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care.

HB 3142 by Representative Huff

AN ACT Relating to the duties of the public employees' benefits board; and amending RCW 41.05.065.

Referred to Committee on Appropriations.

HB 3143 by Representatives DeBolt and Pennington

AN ACT Relating to telecommunications and public benefit; amending RCW 80.36.010; creating a new section; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 5874 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Franklin, Hale, Prentice, Costa, Loveland, B. Sheldon, Fairley, Kline, Spanel, Hochstatter, Long, Shin and McAuliffe)

Concerning optometrists' use of approved drugs.

Referred to Committee on Health Care.

SSB 5924 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Jacobsen, Honeyford and Gardner)

Modifying real estate appraiser laws.

Referred to Committee on Financial Institutions & Insurance.

2SSB 5953 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Sheahan, Shin, Winsley and Thibaudeau)

Creating the public interest attorney loan repayment and conditional scholarship program.

Referred to Committee on Higher Education.

2SSB 6004 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Winsley, Prentice, Hale, Shin, Goings and Rasmussen)

Certifying the resident managers of mobile home parks.

Referred to Committee on Economic Development, Housing & Trade.

SSB 6147 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen, Swecker, Thibaudeau, McAuliffe, Oke and Kohl-Welles)

Creating the Washington state parks gift foundation.

Referred to Committee on Natural Resources.

E2SSB 6152 by Senate Committee on Ways & Means (originally sponsored by Senators Stevens, Hochstatter, Swecker and Kohl-Welles)

Changing provisions relating to the care, supervision, and treatment of children, developmentally disabled persons, and vulnerable adults.

Referred to Committee on Children & Family Services.

SB 6158 by Senators Fairley, Prentice, Goings, Costa, McAuliffe, Gardner, Franklin, Kline and Kohl-Welles

Creating a presumption of occupational disease for fire fighters.

Referred to Committee on Commerce & Labor.

2SSB 6167 by Senate Committee on Ways & Means (originally sponsored by Senators Fairley and Thibaudeau)

Changing public assistance provisions.

Referred to Committee on Children & Family Services.

ESSB 6220 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Winsley, Deccio and Rasmussen)

Prohibiting unfair competition by motor vehicle dealers and manufacturers.

Referred to Committee on Commerce & Labor.

2SSB 6241 by Senate Committee on Ways & Means (originally sponsored by Senators Fairley, Kohl-Welles, Brown, Shin, Kline, Fraser, Prentice, McAuliffe, Patterson, Eide, Rasmussen and Costa)

Establishing WorkFirst performance measures.

Referred to Committee on Children & Family Services.

ESB 6250 by Senators Rasmussen, Loveland, Morton, Brown, T. Sheldon, Swecker, Stevens, Eide and Gardner; by request of Department of Agriculture

Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed.

Referred to Committee on Agriculture & Ecology.

ESB 6252 by Senators Rasmussen, Morton, T. Sheldon, Swecker and Stevens; by request of Department of Agriculture

Regulating structural pest inspections.

Referred to Committee on Agriculture & Ecology.

SB 6256 by Senators Rasmussen, Loveland, Morton, Prentice and Stevens

Allowing voluntary food labeling.

Referred to Committee on Agriculture & Ecology.

SSB 6284 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Kline)

Regulating DNA testing.

Referred to Committee on Judiciary.

SSB 6293 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen and Oke)

Creating a ballast water monitoring program.

Referred to Committee on Natural Resources.

SB 6330 by Senators Jacobsen, Swecker and Oke

Allowing nonconsumptive wildlife activities on public lands.

Referred to Committee on Natural Resources.

SB 6331 by Senators Costa, Winsley, Thibaudeau, Fairley, Kohl-Welles and Gardner

Regulating disclosure of health care information.

Referred to Committee on Judiciary.

SSB 6333 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Spanel, Rossi, Costa, Shin, Long, McDonald, Kohl-Welles, Horn, Fairley, Jacobsen, Gardner, Stevens, Hale, Winsley and Rasmussen)

Modifying the sales and use tax exemption for manufacturing machinery and equipment.

Referred to Committee on Finance.

SSB 6351 by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Heavey, Long, Shin, Thibaudeau, Sheahan and Costa)

Providing additional authority for superior court commissioners.

Referred to Committee on Judiciary.

SB 6368 by Senators Brown, Franklin, Wojahn, Prentice, Costa, Kohl-Welles, McAuliffe, Fairley, Thibaudeau, B. Sheldon, Bauer, Gardner, Rasmussen, Jacobsen, Patterson, Goings and Spanel

Allowing unemployment benefits during lockouts.

Referred to Committee on Commerce & Labor.

SSB 6382 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, McCaslin, Long, Costa, Winsley, Rasmussen, Kohl-Welles and McAuliffe; by request of Attorney General)

Protecting dependent persons.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6391 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio and Kohl-Welles)

Authorizing a study to review primary care providers' payment services.

Referred to Committee on Health Care.

ESSB 6396 by Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Prentice, Hale, Winsley, Deccio, Roach, Sheahan, T. Sheldon, Bauer, Rasmussen, Gardner, Thibaudeau and Oke; by request of Governor Locke)

Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development.

Referred to Committee on Economic Development, Housing & Trade.

SSB 6439 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove and Sheahan; by request of Department of Social and Health Services)

Changing terminology in the release from commitment of persons in mental treatment facilities.

Referred to Committee on Health Care.

ESB 6441 by Senators Spanel, Gardner, Oke, Franklin, Costa, Kline, Bauer, B. Sheldon, Shin, Eide, Patterson, Haugen, Swecker, Kohl-Welles, Goings, Rasmussen, Fairley, McAuliffe, Prentice, Fraser and Thibaudeau

Providing for oil and gas pipeline safety.

Referred to Committee on Agriculture & Ecology.

SSB 6454 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Brown and Jacobsen)

Eliminating references to obsolete natural resources accounts.

Referred to Committee on Appropriations.

ESSB 6455 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Gardner, Winsley, Fraser, Shin, Kohl-Welles, Brown, Costa, Fairley and Jacobsen)

Providing for the licensing of geologists.

Referred to Committee on Commerce & Labor.

ESSB 6462 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Kohl-Welles, Eide, Brown, Rasmussen, Bauer, Goings, Patterson, Winsley and Jacobsen; by request of Governor Locke)

Providing a salary bonus for teachers receiving national board for professional teaching standards certification.

Referred to Committee on Education.

ESSB 6487 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Sheahan and Winsley; by request of Department of Social and Health Services and Department of Corrections)

Providing for the release of mental health information under certain circumstances.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6524 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Hale, Patterson and Honeyford)

Authorizing the department of ecology to waive the requirement for a reserve account for governments maintaining landfills.

Referred to Committee on Agriculture & Ecology.

SSB 6525 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, Swecker, Jacobsen, Eide, McAuliffe and Gardner)

Prioritizing the processing of applications for water rights changes and transfers.

Referred to Committee on Agriculture & Ecology.

SSB 6548 by Senate Committee on Transportation (originally sponsored by Senator McCaslin)

Selling a vehicle by consignment at wholesale motor vehicle auctions.

Referred to Committee on Commerce & Labor.

SSB 6557 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Winsley, Shin, Benton, Roach, Kohl-Welles and T. Sheldon)

Allowing credit unions to conduct raffles.

Referred to Committee on Commerce & Labor.

SSB 6558 by Senate Committee on Higher Education (originally sponsored by Senator Kohl-Welles)

Including higher education programs in the work activity definition.

Referred to Committee on Children & Family Services.

ESSB 6559 by Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Swecker, McAuliffe, Finkbeiner, Eide, Hochstatter, Bauer, Zarelli, Goings, Rasmussen, Oke, Winsley and Roach)

Notifying parents of school programs leading to college credit.

Referred to Committee on Education.

ESB 6561 by Senators Rossi, Patterson, Horn, Loveland, Heavey, Deccio, Rasmussen, Winsley, T. Sheldon and Haugen

Designating the Washington national guard as a law enforcement agency for the purposes of federal drug asset forfeiture laws.

Referred to Committee on State Government.

SSB 6568 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Swecker, Hale, Rasmussen, Oke and Morton)

Requiring the treatment of biomedical waste cultures prior to disposal.

Referred to Committee on Agriculture & Ecology.

SB 6600 by Senator Haugen

Compensating highway and ferry workers for motorist assault.

Referred to Committee on Transportation.

ESB 6613 by Senators Costa, Long, Haugen, Oke, Winsley, Thibaudeau and Kohl-Welles

Changing child passenger restraint provisions.

Referred to Committee on Transportation.

SSB 6643 by Senate Committee on State & Local Government (originally sponsored by Senators Hargrove, Snyder, Rasmussen and Oke)

Modifying growth management planning population requirements.

Referred to Committee on Local Government.

SSB 6664 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa and Kohl-Welles)

Changing victims' compensation provisions.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6668 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Finkbeiner, Eide, Rasmussen, Goings, Kohl-Welles, B. Sheldon and Patterson; by request of Governor Locke)

Promoting standards for educator quality.

Referred to Committee on Education.

SSB 6686 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Patterson, Horn, Oke, Roach and Kline; by request of Governor Locke)

Protecting personal financial information.

Referred to Committee on State Government.

SSB 6687 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Winsley, McDonald and T. Sheldon)

Allowing port districts to acquire insurance coverage.

Referred to Committee on Local Government.

ESB 6696 by Senator Patterson; by request of Department of Community, Trade, and Economic Development

Correcting obsolete references to the department of community, trade, and economic development.

Referred to Committee on Economic Development, Housing & Trade.

SB 6714 by Senator Thibaudeau

Establishing continuing education requirements for respiratory care practitioners.

Referred to Committee on Health Care.

ESSB 6715 by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Eide, Swecker, Fraser, Costa, Rasmussen, Morton, Patterson, Kline, Jacobsen and Kohl-Welles)

Encouraging recycling and waste reduction.

Referred to Committee on Agriculture & Ecology.

SSB 6749 by Senate Committee on Ways & Means (originally sponsored by Senators Long, Hargrove, Haugen, Stevens, Winsley, McAuliffe and Patterson)

Changing provisions relating to persons incapacitated by a chemical dependency.

Referred to Committee on Children & Family Services.

SB 6760 by Senator Prentice; by request of Insurance Commissioner

Safeguarding securities.

Referred to Committee on Financial Institutions & Insurance.

SB 6775 by Senators Patterson, Horn, Haugen, Shin, Prentice, Goings, Gardner and Costa

Simplifying public disclosure report filing and distributions.

Referred to Committee on State Government.

ESB 6805 by Senators Goings, Winsley, Eide, Rasmussen and Franklin

Apportioning a sales and use tax for zoos, aquariums, wildlife preserves, and parks.

Referred to Committee on Local Government.

2SSB 6811 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Jacobsen, Shin, B. Sheldon, Winsley, McAuliffe, Roach, Thibaudeau, Spanel, Bauer and Goings)

Providing for sick leave and leave sharing for part-time academic employees at community and technical colleges.

Referred to Committee on Higher Education.

ESB 6825 by Senators Wojahn, Jacobsen, Thibaudeau, Snyder, B. Sheldon, Goings, Franklin, Horn, Shin, Bauer, Hargrove, Haugen, McAuliffe, Prentice and Costa

Placing property adjacent to Western state hospital in trust.

Referred to Committee on Capital Budget.

SSJM 8026 by Senate Committee on State & Local Government (originally sponsored by Senators Shin, Bauer, Heavey, Benton, Franklin, Eide, Patterson, Kline, Johnson, Gardner, Thibaudeau, Rossi, Goings, Hargrove, B. Sheldon, Horn, Haugen, Hochstatter, T. Sheldon, Swecker, Jacobsen, Fairley, Rasmussen, Prentice, Snyder, Stevens, Loveland, Roach, Hale, Honeyford, Brown, Spanel, Fraser, Costa, McAuliffe, Kohl-Welles and Oke)

Commemorating the 50th anniversary of the Korean War.

Referred to Committee on State Government.

SJM 8027 by Senators Shin, Bauer, Heavey, Benton, Franklin, Eide, Patterson, Kline, Johnson, Gardner, Thibaudeau, Rossi, Goings, Hargrove, B. Sheldon, Horn, Haugen, Hochstatter, T. Sheldon, Swecker, Jacobsen, Fairley, Rasmussen, Prentice, Snyder, Hale, Stevens, Roach, Honeyford, Spanel, Loveland, Fraser, Brown, Costa, McAuliffe, Kohl-Welles and Oke

Commemorating the 50th anniversary of the Korean War.

Referred to Committee on State Government.

2SSJR 8205 by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

Requiring a geographic distribution of initiative petition signatures.

Referred to Committee on State Government.

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

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

There being no objection, SUBSTITUTE SENATE BILL NO. 6416 was referred from the Committee on Health Care to the Committee on Commerce & Labor.

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

There being no objection, the House adjourned until 9:55 a.m., Thursday, February 17, 2000, the 39th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

THIRTY EIGHTH DAY, FEBRUARY 16, 2000

JOURNAL OF THE HOUSE

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

THIRTY NINTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, February 17, 2000

The House was called to order at 9:55 a.m. by Speaker Pro Tempore Ogden

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

INTRODUCTIONS AND FIRST READING

HB 3139 by Representatives Huff, Doumit, Eickmeyer, Buck, Haight, Parlette, Kessler and Hatfield

AN ACT Relating to providing for an interim policy regarding log export restricts.

Held on 1st Reading from February 15, 2000.

SSB 5132 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Long, Hargrove, Brown, Patterson, McAuliffe and Costa)

Improving child care services.

Referred to Committee on Children & Family Services.

SSB 5704 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles and Thibaudeau)

Authorizing adoption of rules to implement medical marijuana law.

Referred to Committee on Judiciary.

3SSB 5848 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Hochstatter, Thibaudeau and Oke)

Providing insurance coverage under the basic health plan.

Referred to Committee on Health Care.

SSB 6182 by Senate Committee on Judiciary (originally sponsored by Senators McCaslin and Costa)

Specifying the effect that changes in law will have on sentencing provisions.

Referred to Committee on Criminal Justice & Corrections.

SB 6201 by Senators Goings and Rasmussen

Setting penalties for infractions involving drug paraphernalia.

Referred to Committee on Criminal Justice & Corrections.

SB 6206 by Senators Spanel, Gardner, Kohl-Welles, Jacobsen, Prentice, Fairley, Wojahn, Goings, Costa, McAuliffe, Haugen, Winsley and Kline

Requiring that schools be notified of firearm violations by students.

Referred to Committee on Education.

SB 6211 by Senator T. Sheldon

Concerning the use of access road revolving fund moneys.

Referred to Committee on Natural Resources.

ESSB 6212 by Senate Committee on Transportation (originally sponsored by Senators T. Sheldon, Haugen and Oke)

Preserving passenger-only ferry operations.

Referred to Committee on Transportation.

SSB 6214 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Deccio, Winsley and Franklin)

Establishing requirements for consent to and refusal of cardiopulmonary resuscitation.

Referred to Committee on Judiciary.

ESSB 6217 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Costa and Winsley)

Changing provisions relating to dependent children.

Referred to Committee on Children & Family Services.

ESB 6234 by Senators Patterson, Haugen, Eide, Costa, Kohl-Welles, Gardner and McAuliffe

Specifying conditions for requiring examination of a driver.

Referred to Committee on Transportation.

2SSB 6255 by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Prentice, Morton, Franklin, Heavey, Brown and Goings)

Prescribing penalties for unlawful possession and storage of anhydrous ammonia.

Referred to Committee on Criminal Justice & Corrections.

SB 6257 by Senators Rasmussen, Morton and Stevens

Repealing the Washington fresh fruit sales limitation act.

Referred to Committee on Agriculture & Ecology.

SSB 6260 by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Heavey, Haugen, Goings, Oke and Gardner)

Increasing penalties for manufacturing a controlled substance when children are present.

Referred to Committee on Criminal Justice & Corrections.

SSB 6263 by Senate Committee on Transportation (originally sponsored by Senators Zarelli, Brown, Haugen, Swecker and Johnson)

Verifying the legal parents or guardians of minor drivers.

Referred to Committee on Transportation.

ESSB 6347 by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Winsley and Gardner)

Creating small works roster provisions to award public works contracts.

Referred to Committee on State Government.

ESSB 6354 by Senate Committee on Education (originally sponsored by Senators Kline, Franklin, Wojahn, Fairley, Kohl-Welles, Prentice and Costa)

Contracting for services performed by classified employees.

Referred to Committee on Education.

ESSB 6363 by Senate Committee on State & Local Government (originally sponsored by Senators Gardner, Patterson, McCaslin, Winsley and Costa)

Clarifying procedures for absentee voting and mail ballots.

Referred to Committee on State Government.

2SSB 6369 by Senate Committee on Ways & Means (originally sponsored by Senators Patterson, McCaslin, Haugen, Long, Costa, Fairley, Eide, Heavey, Wojahn, Prentice, Brown and Winsley)

Ordering a study of law enforcement issues in counties with over 150,000 population.

Referred to Committee on Criminal Justice & Corrections.

SSB 6373 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Gardner, T. Sheldon, Prentice, Rasmussen, Winsley, Hale, Deccio and Shin)

Clarifying promotional contests of chance.

Referred to Committee on Commerce & Labor.

SSB 6401 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, Costa, Hargrove, Winsley, Rasmussen and McAuliffe; by request of Governor Locke)

Protecting vulnerable adults.

Referred to Committee on Criminal Justice & Corrections.

SB 6429 by Senators Patterson and Horn; by request of Secretary of State

Changing statutes that effect the productivity board.

Referred to Committee on State Government.

SB 6431 by Senators Heavey, West, Prentice, Hale, Winsley, Horn, Gardner and Roach; by request of Horse Racing Commission

Allowing for the dissemination of criminal history record information to the horse racing commission.

Referred to Committee on Judiciary.

ESB 6446 by Senators Patterson and Oke; by request of Department of Community, Trade, and Economic Development

Providing for review and evaluation of a city or county's comprehensive growth plan.

Referred to Committee on Local Government.

SSB 6450 by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senator Jacobsen)

Clarifying the deposit and use of moneys for wildlife publications.

Referred to Committee on Natural Resources.

ESSB 6478 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Kohl-Welles, Goings, Eide, Patterson and Rasmussen)

Developing training requirements for handlers of food in schools.

Referred to Committee on Education.

SSB 6479 by Senate Committee on Education (originally sponsored by Senators Eide, McAuliffe, Goings, Brown, Patterson, Costa, Fraser, Jacobsen, Kline, Rasmussen and Kohl-Welles)

Addressing concerns about pesticide use in schools.

Referred to Committee on Agriculture & Ecology.

SSB 6502 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Winsley, Thibaudeau and Kohl-Welles; by request of Department of Social and Health Services)

Changing provisions on long-term care training.

Referred to Committee on Health Care.

ESSB 6513 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, McCaslin, Kline, Gardner, Winsley, Kohl-Welles, Spanel and Costa; by request of Attorney General)

Protecting privacy of personal information in commercial transactions.

Held on 1st Reading.

SSB 6552 by Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen, Oke, Kohl-Welles, Fraser and Spanel)

Studying recreational opportunities available in the west slope of the Cascade foothills.

Referred to Committee on Natural Resources.

SSB 6554 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Costa and Winsley)

Changing provisions relating to mental health commitments.

Referred to Committee on Criminal Justice & Corrections.

ESB 6555 by Senators Long, Hargrove, Patterson, Costa, Eide, Winsley and Kohl-Welles

Ordering a study of evaluations of children needing long-term care.

Referred to Committee on Children & Family Services.

SB 6579 by Senators Prentice, Haugen and Hale

Regulating cosmetology, barbering, manicuring, and esthetics.

Referred to Committee on Commerce & Labor.

SSB 6586 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Hale, Winsley, Goings, Oke and Gardner; by request of Attorney General)

Prohibiting pyramid schemes.

Referred to Committee on Commerce & Labor.

ESB 6606 by Senators Honeyford and Stevens

Clarifying the number of landowners needed on petitions to merge minor irrigation districts into other special purpose districts.

Referred to Committee on Agriculture & Ecology.

ESB 6617 by Senators Prentice, Hale and Rasmussen; by request of Lieutenant Governor

Encouraging local economic development.

Referred to Committee on Economic Development, Housing & Trade.

SSB 6618 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Shin, Hale and Rasmussen; by request of Lieutenant Governor)

Establishing an industry cluster-based approach to economic development.

Referred to Committee on Economic Development, Housing & Trade.

SB 6622 by Senators Shin, Rasmussen, Kohl-Welles, Sheahan, McAuliffe, Prentice, B. Sheldon, Winsley, Finkbeiner, Benton, Fairley, Eide, Goings, Bauer, Franklin, Haugen, Gardner, Loveland, T. Sheldon, Jacobsen, Hargrove, Kline, Fraser, Heavey, Patterson, Hale and Roach

Designating Asian Pacific American Heritage Month.

Referred to Committee on State Government.

SB 6642 by Senators Benton, Heavey, Shin and Oke

Preventing a registered sex offender from holding a real estate appraiser license or certificate.

Referred to Committee on Commerce & Labor.

SB 6666 by Senators Gardner, Swecker, Haugen, Morton and Sellar

Denying telecommunications services to unlicensed household goods carriers.

Referred to Committee on Technology, Telecommunications & Energy.

SB 6667 by Senators Haugen, Swecker, Gardner, Morton, Sellar, Sheahan, Benton and Winsley

Exempting certain commercial vehicles from replacing license plates.

Referred to Committee on Transportation.

E2SSB 6683 by Senate Committee on Transportation (originally sponsored by Senators Franklin, Kline, Heavey, Thibaudeau and Costa)

Reporting information on routine traffic enforcement.

Referred to Committee on Transportation.

ESSB 6690 by Senate Committee on State & Local Government (originally sponsored by Senators McCaslin and Oke)

Clarifying authority for counties, cities, and towns to create independent salary commissions.

Referred to Committee on Local Government.

SB 6713 by Senators Patterson, Horn and Winsley; by request of Secretary of State

Revising the Washington state quality award program.

Referred to Committee on State Government.

E2SSB 6731 by Senate Committee on Ways & Means (originally sponsored by Senators Spanel and Gardner)

Creating a Lake Whatcom landscape plan.

Referred to Committee on Natural Resources.

SB 6743 by Senators Costa, Hargrove, Long and Winsley

Adding a limitation on sealing of juvenile offender records.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6761 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove; by request of Department of Corrections)

Authorizing agreements for the operation of correctional facilities and programs in any other state.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6773 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Bauer)

Adjusting day labor allowances for county road construction.

Referred to Committee on Transportation.

SSB 6781 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen and Morton)

Modifying provisions concerning the management of dairy nutrients.

Referred to Committee on Agriculture & Ecology.

SJM 8022 by Senators Rasmussen, Swecker, Bauer, Roach, Goings, Benton, B. Sheldon, Snyder, Hale, Oke, Gardner, Johnson, Long, McAuliffe, Deccio, Winsley, Zarelli, Kohl-Welles, T. Sheldon and Haugen

Recognizing America's World War II veterans.

Referred to Committee on State Government.

SJM 8025 by Senators Gardner, Spanel and Morton

Encouraging the free flow of goods and people across the United States/Canadian border.

Referred to Committee on Economic Development, Housing & Trade.

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

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

There being no objection, the House adjourned until 10:00 a.m., Friday, February 18, 2000, the 40th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

THIRTY NINTH DAY, FEBRUARY 17, 2000

JOURNAL OF THE HOUSE

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

FORTIETH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 18, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rachel Wells and Daniel Jones. The prayers were offered by Pastor Jerry Cook, Eastside Foursquare Church, Kirkland and by Pastor Leslie David Braxton, Mt. Zion Church of Seattle.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4757, by Representatives Lovick, Lantz, Rockefeller, O'Brien, Wensman, D. Schmidt, McDonald, Constantine, Conway, Santos, Hatfield, Carlson, Thomas, Hankins, Dickerson, Fortunato, Esser, Talcott, Kenney, Edmonds, Kagi, Veloria, Pflug, Skinner and Barlean

WHEREAS, Black History Month was established in February 1926 by Carter G. Woodson as Negro History Week and was later expanded to Afro-American History Month in 1976 in honor of the nation's bicentennial; and

WHEREAS, This year's theme for Black History Month is "Heritage and Horizons: The African-American Legacy and the Challenges of the 21st Century," as determined each year by the Association for the Study of African-American Life and History; and

WHEREAS, It was Carter G. Woodson's hope that through this special observance, all Americans would be reminded of their ethnic roots and develop a mutual respect for the contributions of all racial groups in America; and

WHEREAS, For more than 300 years as part of an established system of slavery and human bondage, Black Americans toiled and survived, and then overcame the degradation and shame of this system to become contributors at every level of our public and private endeavors; and

WHEREAS, The desire to succeed and contribute to America caused Black Americans to defy racial hostility, Jim Crow Laws, and economic and social injustices; and

WHEREAS, This willingness to succeed and the love for their country has left a positive impact on American culture and society in areas of education, medicine, industry, the military, religion, social sciences, philosophy, agriculture, engineering, and the arts; and

WHEREAS, Black Americans continue to contribute widely to the attainment of peace, equality, and justice, and all Americans deserve to know of the great moments and accomplishments of Black Americans; and

WHEREAS, George Washington Bush was the first Black American to serve in the Washington Territorial Legislature; Representatives Charles Stokes and Marjorie Pitter King were the first Black American man and woman to serve in the legislature following the proclamation of Washington statehood; and Charles Z. Smith was the first Black American to serve on the Washington State Supreme Court; and

WHEREAS, The Washington State Legislature is honored to have among its former members the following elected Black American Representatives and Senators: Sam Smith, Michael Ross, Peggie Joan Maxie, George Fleming, Bill Smitherman, Jesse Wineberry, Vivian Caver, and Dawn Mason; and

WHEREAS, There have been major contributions made to Washington State history by Black American citizens including: Civil rights leader Edwin T. Pratt; poet Mona Lake Jones; artists Jacob Lawrence and James Washington; historian Esther Mumford; and musicians Quincy Jones, Ernestine Anderson, and Jimi Hendrix; and

WHEREAS, Washington is a beautiful state, and America is a proud nation due to our recognition of the contributions made by many diverse ethnic populations and because of our ability to work together as a state dependent upon international peace, harmony, and cooperation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize February 2000, as Black History Month, in recognition of Americans of African descent who have contributed to America, a nation in which we take great pride; and

BE IT FURTHER RESOLVED, That the members of the Washington State House of Representatives do hereby recognize and appreciate the many benefits of Black History Month to our citizenry and to our culture in general and that we urge all citizens of the State of Washington to join with us in taking the opportunity this month to explore this rich history and expand our world view; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Chair of the Washington State Commission on African-American Affairs, to Judge Charles Stokes, the first African-American member of the Washington State House of Representatives, and to Justice Charles Z. Smith of the Washington State Supreme Court.

Representative Lovick moved adoption of the resolution.

Representatives Lovick, Schmidt, Voloria, Santos, Tokuda, Wensman, Sump, Rockefeller and Conway spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4757 was adopted.

HOUSE RESOLUTION NO. 2000-4746, by Representatives Chopp, Ballard, Quall, Hatfield, Doumit, Lambert, Kessler, Grant, Buck, Fisher, Ogden, Linville, Conway, H. Sommers, Talcott, Dickerson, Radcliff, Carlson, Dunshee, Mulliken, Regala, Wolfe, Mastin, Rockefeller, Miloscia, Romero, Wood, Anderson, McMorris, Poulsen, Pennington, G. Chandler, Sump, Barlean, McDonald, Dunn, Schindler, B. Chandler, Campbell, Crouse, Cox, DeBolt, Van Luven, D. Sommers, Lisk, Esser, Schoesler, Ballasiotes, Bush, Cairnes, Carrell, Clements, Cody, Constantine, Delvin, Edwards, Eickmeyer, Ericksen, Fortunato, Haigh, Hankins, Huff, Hurst, Kastama, Keiser, Koster, Lantz, Lovick, Mielke, O'Brien, Parlette, Pflug, Ruderman, K. Schmidt, Schual-Berke, Scott, Skinner, Stensen, Sullivan, Thomas and Wensman

WHEREAS, Former Washington State Representative Bob Basich, who served six terms in unselfish, distinguished work for citizens of Grays Harbor, Cowlitz, Pacific, and Wahkiakum counties, and for all people of Washington, passed away this morning; and

WHEREAS, Affectionately and very appropriately known as "Coach," Representative Basich went peacefully to the next world; and

WHEREAS, Coach Basich and his wonderful wife, Anita, raised three exemplary children in Aberdeen, the city of his birth made all the better for his years of teaching, coaching, and mentoring; and

WHEREAS, The students and staff in classrooms all across Washington were always uppermost in the mind of Representative Basich through his unwavering commitment to improve and strengthen our schools; and

WHEREAS, During a legislative career that will be forever modeled by men and women here and in other state governments, Representative Basich placed maximum importance on protecting and preserving the natural resources that help make our great land so truly magnificent; and

WHEREAS, A United States Navy veteran of World War II, Representative Basich was a champion for the rights and recognition of servicemen and servicewomen who stood ready to make the ultimate sacrifice, and for those American heroes and heroines who did lose their lives in service to our country; and

WHEREAS, Coach Basich, our true friend and colleague, was tireless and scrupulous in his work to highlight the importance of self-esteem, personal accountability, and a positive mental attitude on the part of our young people; and

WHEREAS, The civic-mindedness of Representative Basich was reflected in his Associated Student Body presidencies at Aberdeen High School and Grays Harbor College, and later in his service on the Aberdeen City Council; and

WHEREAS, The steadfast and honorable perspective of Bob Basich was an honest-to-goodness touchstone for peers and contemporaries in classrooms of learning, in gymnasiums and fields of athletic endeavor, and in legislative halls; and

WHEREAS, Coach Basich earned All-American honors as a football player at St. Martin's College and is a member of the school's Sports Hall of Fame; and

WHEREAS, In his years of teaching and coaching at the high school and college level, Representative Basich was a source of inspiration and motivation for thousands of young men and women; and

WHEREAS, For more than four decades, Coach Basich worked with young athletes of the Grays Harbor communities as an umpire, and as a baseball coach at the Little League, Babe Ruth, American Legion, semiprofessional, and minor league levels; and

WHEREAS, A remarkable ballroom dancer, Representative Basich even as we speak is surely dancing with the angels; and

WHEREAS, Although the Legislature hasn't been the same without him and now the world won't be the same without him, Representative Basich would be the first to admonish that we not mourn his passing, but that instead we celebrate his life and the time that he laughed, played, and worked among us;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington celebrate the distinguished legislative, professional, athletic, and, most of all, the personal life of Washington State Representative Bob Basich; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the members of the family of Washington State Representative Bob Basich.

Representative Kessler moved adoption of the resolution.

Representative Kessler: "Thank you Mr. Speaker. It is with great pride and some very strong emotions at the passing of our Representative Bob Basich, that I rise to give tribute to a man that I served with on this House floor for several years. At the celebration of his life at St. Mary's Catholic Church, many of you were there and you heard Senator Snyder discuss the birth date of Representative

Basich and the day that he passed away, but he talked about the hyphen in between and that was the substance of Bob Basich's life. This man was not just a legislator. He was the most well rounded individual I have known in many, many years. He was an absolutely devoted husband. A father that his children spoke so highly of at his celebration mass, a grandfather, he was a community activist, he was a coach, he was what all of us would like to be and that is well-rounded and devoted to our communities and our families. But around here I think all of us will remember, for those of us who served with him, he had a pin that he wore everyday and it said "ATTITUDE". Bob had this tremendous attitude all the time. He was a very happy person. If you were down he had a smile for you. If you said something that was in the least bit funny, his infectious laugh came out. He was always trying to make people feel good about themselves, feel positive about themselves. As his son John said at the celebration mass, "He made *SELF-ESTEEM* a buzz word in their house long before it became a national buzz word." Because he believed it. He believed it to his soul and he constantly reminded us of the importance of our individual self-esteem. And it was with great sadness that we lost him so suddenly. He was active right up to the very end. I think that it is with great pleasure that all of us can vote for this resolution and extend our love and our condolences to his family. Thank You!"

Representative Quall: "Thank you, Mr. Speaker. It was seven and a half years ago, when I was elected. I met Bob Basich and Bob came up to me and said, " Are you any relation to the coach at Skagit Valley College?" and I said, "Yea, that's me.", and that started our friendship. When I came here to Olympia, I found out that he was "COACH". I was at best, assistant coach. It started at that point and we developed a kindred spirit. His devotion to the Grays Harbor Area, that was pointed out the other day. It was Bob Basich that started the Coastal Caucus. He was committed to the citizens there and wanted what was best for them. He had a great commitment to self-esteem and he practiced it daily. His encouragement, his affirmations, his praise. You know, he used to make me laugh a lot and he would like to tease me. And what he would do, I wear a gold bracelet and he would come up to me and play with my gold bracelet and he would say, " Quall, you're so Mod". Bob also had a spiritual side and he used to like to quote St. Francis of Assisi who said, "Teach the gospel daily and use words only when necessary." He practiced that. Last Wednesday, when I was in Aberdeen at the memorial service - I have been to a lot of memorial services and I know you have been too - I never in my life witnessed an out pouring of affection like I saw that day. I never saw so many grown men weep openly. It was in mid January, and I went with Representative Doumit, we went to Aberdeen, he was going to one of those political gatherings, so I got together with Bob and we went to a basketball game. We went to go watch his grandson play. And it was kind of interesting, because we came into the gym and there was Anita. He greeted her and we walked up the aisle and greeted his son-in-law, and then we walked up the aisle. We sat way up at the top, because he wanted to be able to critique the coach without anybody hearing it. We pretty much could have straightened out that coach in no time, but I will tell you that his grandson was a great player. I know that Bob was very proud of him. I think we will all agree, that it is seldom that you have what you can call a true friend. They are few and far between. I can say about Bob, that he was a true friend. He made an indelible mark on my life. It's with honor to stand here and share these thoughts with you. Thank you."

Representative Mulliken: "Thank you Mr. Speaker. In 1995, when I came into this body as a freshman one of the things that I first became involved in, with the encouragement of my own seatmates, was to get involved in the Governor's prayer breakfast. So as a freshman, I was on an executive board of something I knew very little about. But I learned a great deal from it. The good gentleman from District 40, along with my seat mates and several other members in both bodies, and Bob Basich, were very involved. Coming in as a freshman, sometimes if we'd not been involved in anything political ever before in our lives, we don't realize that aisle down the middle can be crossed. I was one of those freshman who really didn't know anybody across that aisle. I was a little intimidated to even get acquainted with anybody across that aisle. Bob Basich was one of the ones that changed that and opened that door up for me. I got involved in the Tuesday Morning Bible Study with legislators, staff members, and lobbyists. As we began to share our faith with one another - this was a man who loved his God, who knew his God and wasn't afraid to express his love and his acceptance of

God. It was a privilege to get to know him. I too was at St. Mary's this week and I am so glad. It was a spiritually uplifting mass. I love Catholic funeral masses anyway. We did share that commonality. But, the thing that really impressed me besides the music, and the homily, and the presentations by his family, was the fact that the church, I think only held six hundred people and it was packed to standing room only and I know that there were well over the capacity in that church, which told me that this man had a richness even beyond these walls, that I only knew about in here. He was a very wealthy man, just evident by the people that were there paying tribute. I am so honored and feel so grateful and privileged to be able to support this resolution and I would like to thank the family of Bob Basich for sharing him, especially to a new freshman in 1995. He was a very effective legislator and person, and I really appreciate that. Thank you Mr. Speaker."

Representative Hatfield: "Thank you Mr. Speaker. When we honored Bob in his retirement in 1996, I told you all of this, but I was a staffer around here so I knew him starting about 1988. But, I had never gotten really close with him. To be honest, I think the family already knows this, my family and I actually opposed Bob on a few primary campaigns, and it had to do with the 19th District, which was split between an A and a B. There was Pacific County who wanted to do away with it and we had a difference of opinion. Bob felt that he represented the half of the district better, and if he'd had his way we all would have had half-districts and we would all probably like that a little bit better. So I came to this body thinking well I know Bob, but I am not going to get along with him very well. It wasn't long before I realized that it was impossible not to like him. It was impossible not to love him. One time my dad, some of you know my dad, he is quite the character and wasn't intimidated by anybody. He walked up to Bob and shook his hand, it was after one of the elections, it was in either November or December, and he said, "You know Bob, we supported you in the general", and without missing a beat Bob said, "You know Stan if the Hatfield Family ever supported me in a primary, I would know I was in trouble.", and after that Dad was at home he said, "You know that Basich, he's alright." He was alright. He taught me a lot of things during the two years we spent here as seatmates. He taught me not to take myself or this place too seriously. I've got a few stories to share with you. I remember a few times, in the mens restroom you would see him in the mirror and he would kind of catch me out of the corner of his eye, and then he would sort of start primping himself and he would look in the mirror and say, " You know I must be twins, cause there is just no way one man could be this good looking." Another time, we were both on our way home. We traveled the same highway. I'd turn off at Montesano and head down to Raymond and he would go on to Aberdeen. I think it must have been after a Saturday session. I was driving along and here came Bob in his big blue car. He came up and pulled up along side of me, and looked over at me, just both hands on the wheel at first and with all seriousness and looked over at me and then he, with all seriousness as well, gave me a gesture that I can't repeat here on the House floor. Then just sped on off towards Aberdeen after that. My favorite story though is when we were in a joint committee, I think it was House Education and Higher Education, Commerce & Labor was there I think as well. We were going over the Workforce Training Task Force recommendations, and I have shared this story with some of you. The visual, is a little bit better, it is one of those where you had to have been there. They had some great plans for education, and business came in and said here's what we would like the students trained in because we need good workers. I thought this was all great, but it was a high price tag. So I thought this is going to be pretty expensive, and so you know how we pass notes in committee. I just wrote down - "Need \$, this is going to be an expensive program." and I handed it to Bob and he looked at it again, with a serious look and he got out his pen and wrote on the bottom of it a little message for me, folded and handed it back to me. On the message it said, "I can only loan you 3 dollars." I lost it in committee. I had to go out. But on a serious side, some people have mentioned, Bob did form our Coastal Caucus and from the groans that I hear out of my colleagues, I know we are still a fairly effective force whenever I mention that word. He promoted the Twin Harbors every chance he got. He fought to keep our people working and he fought to keep our beaches open. I was going to mention that he probably had something to do with the clam digging this weekend. But I understand now it's been canceled. I have a feeling Bob is lobbying God right now, about daemonic acid and trying to get something done about that. In 1996 after announcing a decision not to run, he told me. I never told anyone else this. But he said he wanted to go out on top. He'd had

a tough primary and a tough general election that year, and he did "want to go out on top", he said. But you know from his dance classes that he continued to teach, his work in his church, his involvement in sports and continuing to promote self-esteem with kids. You know kids really were his life. The one thing that really struck me about Wednesday's memorial was the number of kids that were there. That was really a glowing tribute to Bob. He was also just voted Best Senior Citizen Role Model, Aberdeen Daily World poll and so the article hasn't even run in the paper yet. But Coach you went out on top. Thank you."

Representative Carlson: "Thank you Mr. Speaker. The memories that I have of Bob Basich certainly relate to the Appropriations Committee. When sitting in a 3:30 in the afternoon meeting, when you are having one agency group report one after the other, I am sitting on one side and he is sitting on the other side and the sun is sometimes coming in. Since he was from the foggy bottom, we can appreciate the fact that the sun was somewhat of a rare commodity and being born in Aberdeen, and Bob knowing that I was born in Aberdeen, we sometimes would get eye contact, but as I would swivel the chair and look up at that at about 4:30 in the afternoon presentation, Bob did have some struggles with the maintaining of the concentration on the enlightening conversation that the agency was presenting. But Bob was also a wonderful friend and coach, and I had the pleasure of knowing his son, who spoke at his memorial service and John, I am sure he hurt the worst, and I am sure the family is going to miss him as we are. Speaking in support of the resolution. Thank you."

Representative Radcliff: "Thank you Mr. Speaker, Ladies and Gentlemen, I regret that I was unable to attend the service that took place last week for former Representative Basich because it sounds like it was a wonderful experience. My experience with Bob is a little different maybe than some of you. I never had the opportunity to really work with him. We didn't serve on a committee together, we didn't work an issue together. However, we did something better. We had an opportunity to play together and Representative Basich certainly knew how to play in a healthy spirit. I really got to know him through a time honored tradition around here, which regretfully I don't have time to honor much any more, but that's the Thursday night Karaoke sessions, and that is where Bob and I got to know each other, and it got to the point where every Thursday afternoon, he'd find me wherever I'd happen to be, just to find out if I was going to Karaoke that night. I always told him. He kind of made a joke about how he liked to hear me sing. I would always tell him that I was going there specifically just to watch him dance. I am telling you if you never saw this man dance, he could move like nothing I have ever seen. He was the most graceful thing on his feet I have ever seen. While music is a very big and important part of my life, I am a terrible dancer. And I used to love to just watch him. It got to the point and I think that Representative Dickerson will remember this. It got to the point, where Bob offered to give some of us dance lessons here. We used to meet over in Hearing room E, in the O'Brien Building and Bob would give us dance lessons before we would go to Karaoke. As much as I valued that opportunity, I am still a terrible dancer. I will never forget one day after Bob had let us know that he was not going to be running again. I'd had a particularly trying day, I hadn't yet learned that some of the things that we pass around here are only bills and never become laws and I was very disturbed about something. I had been in Speaker Ballard's office talking with him about an issue I was very concerned about and I was visible very upset. I left the Speakers office and walked out and down the steps into the Rotunda and there was nobody around and I happen to run into Representative Basich, who could tell that I was visible upset. All he had to do was take me and turn me a couple of turns, and we danced just a couple of steps, but I am telling you it changed that day for me. I remember saying to Bob on one of the committee weeks, just prior to his leaving the house, I said, "Bob I hope you will come back and see us pretty regularly." and he said, "You know he has seen other legislators leave the legislature and then come back and still feel like they are still in control of things." He didn't want to do that. He wanted to leave on top, as his former seatmate noted. I really believe that he did leave on top, everybody that had an opportunity to serve with Bob, even though we didn't get a chance to maybe work with him, he touched our lives and he touched us deeply. I am going to miss him, as we all are going to miss him. He was a valuable part of this body and a valuable part of my life. I can't see the family, but I want you to know how much I value you, for sharing him with the Legislature and with Washington State for as long you did. Thank You!"

Representative Doumit: "Thank you Mr. Speaker and members of the House. I have the honor of serving in Bob's seat in the House. He always encouraged me with a smile and with his useful way about life. We all have a lot of stories to tell Mr. Speaker, but with your permission, I would like to read a poem that Senator Snyder read, that I think has a message in it for all of us. Thank you. "I read of a man who stood up to speak at the funeral of a friend. He referred to the dates on his tombstone, from the beginning to the end. He noted that first came the date of his birth and spoke of the following dates with tears. He said that what mattered most of all was the dash between those years. For that dash represents all the time that he spent alive on earth and now only those who loved him know what that little line is worth. For it matters not how much we own - the cars, the house, the cash. What matters is how we live and love, and how we spend our dash. So think about this long and hard. Are there things you would like to change? For you never know how much time is left, you could be that dash mid-range. If we could just look down long enough to consider what is true and real, and always try to understand the way other people feel and be less quick to anger, and show appreciation more and love the people in our lives like we have never have loved before. If we treat each other with respect, and more often wear a smile, remembering that this special dash only lasts a little while. So when your eulogy is being read with your life action to re-hash, would you be proud of the things they say about how you spent your dash?" We feel Bob spent his dash extremely well Mr. Speaker. And would like to wish him *Sine Die* "Coach". We are going to miss you."

Representative Campbell: Thank you Mr. Speaker. Much like the gentleman from the 40th District, I came in with a big freshman class back in '93 and with great passion at that time about a number of issues and I remember very well being referred to as Kid, a couple of times. I had taken that a little personal at first, thinking I'm no kid! But, I soon learned to realize the love that was meant when it was said. I guess in a legislative sense indeed I was a kid, I just didn't realize it. Like most teenagers, they know everything when they get there. But later on as the years unfold you realize how ignorant you really are. It was good to have Bob there at times when, believe it or not, I was involved in a controversial matter or two in those days. Bob was there to say "Kid, it's going to be o. k. This is all going to go away and things are going to get better." And they did. It was his gentle hand and voice at times I think that really humanizes things around here. You always need a Bob Basich in the Body. You always need someone to kind of remind you that the issues, they come and then go. But, the people are things that we represent, and what we are, we bring to the table in a passionate way. But when the day is done it's all of us together representing all of the people that we believe in and the issues that are in our heart that is what is left. Bob brought that gentle voice that I think made us realize, once again that it's the individuals that matter. The institution is important. The biting, the mean-spiritedness had really no place and will go away. And you will remember the good times. I remember Bob in the most favorable way, like was heard so many times in previous speeches. The laughter, the joking, I can't think of one negative thing I could say about Bob Basich. I remember when I left the Legislature in 1996 and came back I was saddened that he was not back here when I returned, because I really did enjoy the camaraderie and presence. I never actually served on a committee with Bob, although we talked together an awful lot. I certainly remember all those wonderful qualities that we have been talking about. Those of you who've not had the opportunity to serve with him, you missed a rich experience and I can tell you that Bob's mark lays upon our hearts. Bob go with God, and look forward to seeing you again, someday. Thank you Mr. Speaker."

Representative Mastin: Thank you Mr. Speaker. I too, was a part of that class of '93 that came in and I actually knew Coach before then, because I didn't know him, but I had seen him. I had been at the community college state finals, the team he was coaching, I don't believe that they had won that year. I saw him when I was in High School. Then I came here, I too, like Representative Hatfield, had a conversation with him about this A/B Districts, and I tried to explain to him that indeed, as today I am the junior member from Walla Walla, I explained that to him and he said, "That is exactly why we want to go back to this A/B split, because you wouldn't be here then." We had a good laugh about that. It was a difficult year. I think every year we have our difficult moments, but that year was particularly difficult. I had a lot of frustration and I just remember "Old Coach", with his little shuffle, and his little clap of the hands and his pointing at you, and I used to sit back on that

couch back there sometimes, as I do today wondering why I am here. He came up to me and he reached over and patted me on shoulder and he said, "Kid, it's going to be O. K." We deal with a lot of difficult issues here and at home we have problems as well. That is something about Coach that I will always remember, something that is in my mind and in my heart, is that the difficult times we face here and the difficult times we face in our lives, his words echo, echo in my memory "Kid, it's going to be O. K." I think that helps me and I just wanted to express that. Thank you to the family. Thank you for having him be a part of our family here. He meant a lot to us in a lot of ways, as the comments you've heard have shown. I just want to stand in honor of "Coach" and the good work he did here and helping us as people and as legislators."

Representative Fisher: "Thank you Mr. Speaker. In 1988, Bob Basich decided that there should be a *Korean War Memorial* on this campus. I was State Government Chair at the time, the bill was given to my committee. He was absolutely relentless in getting that bill on to the calendar. There wasn't a day that went by that I wasn't confronted with the Bob Basich shuffle either in the hallway, in my office, somewhere. That bill was going to be passed in this House. And it was. So if any of you wander over to D O T building, which I do on a regular basis, you will pass that monument. I hope at that time you lift your hat or wave your hand and think of Bob Basich because it's there because of him."

House Resolution No. 2000-4746 was adopted.

SPEAKER'S PRIVILEGE

Speaker Ballard: "The Speaker would like to take one moment of personal privilege and reflect on an individual that I think without question, everyone can say "To know Bob Basich, was to love Bob Basich." Every morning we had our bible study - once a week and Bob was there. That was one of the best days he had going and the next week it was one of the best days. He was positive, he was upbeat, he was a delight. We talked a lot about celebrating times in which there are difficult situations like this. I think without a question it is clear, that there is great celebration because of what Bob Basich brought into our lives. And we are all richer for it. The Speaker would like to introduce some family members of Bob Basich. Wife, Anita; Son, John. Would they please stand as we announce daughters, Kathy and Chris, son in-law, Leonard, grandchildren, Tiffany, Dominic, Brandon and Mara Lee, and several other cousins and members. Would they stand and be recognized by the Members.

There being no objection, all members' names were added to House Resolution No. 4726.

Speaker Ballard called upon Representative Pennington to preside.

HOUSE RESOLUTION NO. 2000-4755, by Representatives Carlson, Ogden, Mielke, Boldt, Pennington, Dunn, Wensman and Thomas

WHEREAS, Fort Vancouver was established by the Hudson's Bay Company on March 19, 1825, becoming the first permanent nonnative settlement in what is today the State of Washington; and

WHEREAS, In the fields, forests, and rivers at Fort Vancouver, the Hudson's Bay Company began many of the Pacific Northwest's first industries: Agriculture, lumber, and fisheries; and

WHEREAS, Fort Vancouver was home to an incredibly diverse group of people from around the world including English, Chinook, Scottish, Klickitat, Iroquois, French-Canadian, Hawaiian, and Metis; and

WHEREAS, Fort Vancouver, despite being a British fort, aided American missionaries and Oregon Trail settlers who arrived in the 1830's and 1840's; and

WHEREAS, Fort Vancouver was the social, economic, and political center of the Pacific Northwest in the 1820's, 1830's, and 1840's; and

WHEREAS, The site of Fort Vancouver, its waterfront, portions of its agricultural fields, and employees' village are preserved and shared with the public by the National Park Service for both present and future generations; and

WHEREAS, The year 2000 is the 175th Anniversary of the establishment of Fort Vancouver; and

WHEREAS, The National Park Service has planned several events to commemorate the 175th Anniversary of the establishment of Fort Vancouver, including a living history reenactment of the 1825 opening of the fort;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the 175th Anniversary of the establishment of Fort Vancouver and its importance to our state's history; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Fort Vancouver Historical Site.

Representative Carlson moved adoption of the resolution.

Representatives Carlson and Ogden spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4755 was adopted.

HOUSE RESOLUTION NO. 2000-4756, by Representatives D. Schmidt, Wensman, Hatfield, Thomas, Hankins, Dickerson, Kagi and Pflug

WHEREAS, Alan Rosenthal is a professor of public policy at the Eagleton Institute of Politics at Rutgers University, and for two decades served as the Director of the Institute; and

WHEREAS, Professor Rosenthal has dedicated his professional life to studying state legislatures and has consulted with numerous state legislatures on matters of organization, procedure, and ethics; and

WHEREAS, Among Professor Rosenthal's several books are Legislative Life, Drawing the Line: Legislative Ethics in the States, and his most recent book, The Decline of Representative Democracy; and

WHEREAS, In the last several years, the Washington State Legislature has been honored to have Professor Rosenthal participate in the Legislative Staff Leadership Institute and serve as a featured speaker in the House of Representatives Integrity in Government Series; and

WHEREAS, Professor Rosenthal continues to share his expertise and experience and is working with the National Conference of State Legislatures, the American Political Science Association, and the Center for Civic Education on a multiyear project entitled A New Public Perspective on Representative Democracy. This project is an outreach and civic education program to explain representative democracy, legislatures, lawmakers, and the legislative process to citizens;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Professor Alan Rosenthal for the numerous contributions he has made throughout the years to the understanding of state legislatures; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Professor Rosenthal.

Representative Schmidt moved adoption of the resolution.

Representatives Schmidt and Dickerson spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4756 was adopted.

Speaker Ballard introduced Professor Alan Rosenthal who addressed the House.

HOUSE RESOLUTION NO. 2000-4732, by Representatives Ogden, Carlson, Dunn, Boldt and Wensman

WHEREAS, The Southwest Washington Independent Forward Thrust, or SWIFT, is celebrating its twenty-fifth anniversary this year; and

WHEREAS, Twenty-five years ago, the City of Vancouver celebrated its one hundred fiftieth birthday and hosted an auction to raise money for various celebratory activities; and

WHEREAS, The success of the auction, which raised twenty-eight thousand dollars, inspired Vancouver's civic leaders to turn the auction into an annual, community-wide affair, and created SWIFT; and

WHEREAS, SWIFT was formed to create community pride, to expand citizen involvement in the community, to help establish an identity for Vancouver and Clark County, and to raise money for community projects and needs that otherwise would not be met; and

WHEREAS, SWIFT has awarded two million nine hundred thousand dollars in grants to more than nine hundred nonprofit organizations that benefit people who live or work in Southwest Washington; and

WHEREAS, SWIFT's commitment to the Southwest Washington community demands that one hundred percent of all auction proceeds be given back to the community through grants; and

WHEREAS, Driven by volunteer efforts, SWIFT provides an opportunity for people from all backgrounds and experiences to work together and make a difference in the Southwest Washington community; and

WHEREAS, In the last twenty-five years, more than five hundred civic leaders have volunteered as SWIFT board members; and

WHEREAS, Through the continual sharing of time, abilities, and resources, SWIFT is not only a community success, but a symbol of the shared pride and spirit visible throughout Southwest Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor SWIFT's contributions to Southwest Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the City of Vancouver, and to SWIFT's board of directors.

Representative Ogden moved adoption of the resolution.

Representatives Ogden and Carlson spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4732 was adopted.

HOUSE RESOLUTION NO. 2000-4742, by Representatives Tokuda, Santos, Delvin, B. Chandler, Kenney, Quall, O'Brien, Romero, Cairnes, Schoesler, Voloria, Kagi, Murray, Wensman, D. Schmidt, Constantine, Conway, Thomas, Fortunato, Rockefeller, Edmonds and Pflug

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the forced assembly, evacuation, and internment of approximately 12,000 Japanese Americans residing in the state of Washington; and

WHEREAS, The order for assembly and detention at Camp Harmony in Puyallup, Washington, prior to evacuation and subsequent internment caused the Japanese Americans from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese Americans, all of whom were deemed disloyal and untrustworthy, from committing acts of espionage and sabotage against the United States during the period of its involvement in World War II; and

WHEREAS, An overwhelming number of Japanese Americans from the state of Washington responded to questions of their loyalty and patriotism by volunteering from within barbed wire camps to serve in the United States Military Intelligence Service and the United States Army's 442nd Regimental Combat Team, the latter of which became the most decorated American unit of its size in World War II with 7 Presidential Unit Citations, a Congressional Medal of Honor, 52 Distinguished Service Crosses, 588 Silver Stars, 4,000 Bronze Stars, 9,486 Purple Hearts, and a total of 18 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese Americans like Gordon Hirabayashi, then a student at the University of Washington, were willing to face imprisonment to seek justice by challenging the constitutionality of the evacuation and internment orders; and

WHEREAS, Hindsight has proven that the predominant factor that actually led to the internment of Japanese Americans was not a military necessity to protect the United States from possible espionage or sabotage, but was the result of "race prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Japanese American internees from the state of Washington endured economic, physical, and psychological hardship and suffered in silence for over 40 years before the state of Washington provided monetary redress and reparations to municipal and state employees;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, along with the people of Washington, pause in its endeavors this day to recognize the Japanese American internees from the state of Washington and honor their patience, heroism, sacrifice, and patriotic loyalty, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Nisei Veterans Committee, the Military Intelligence Service - Northwest Association, and the Japanese American Citizens League.

House Resolution No. 2000-4742 was adopted.

The Speaker (Representative Pennington presiding) called upon Representative B. Chandler to preside.

INTRODUCTIONS AND FIRST READING

HB 3144 by Representatives Conway, Clements, Thomas and Rockefeller; by request of Secretary of State

AN ACT Relating to electronic filing of corporation and limited liability company annual reports; and amending RCW 23B.16.220, 25.15.105, 25.15.085, and 25.15.095.

Referred to Committee on Commerce & Labor.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

There being no objection, House Bill No. 2591 was referred to the Rules Committee.

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

There being no objection, SUBSTITUTE SENATE BILL NO. 6194 was referred from the Committee on Criminal Justice and Corrections to the Committee on Natural Resources, and ENGROSSED SENATE BILL NO. 6250 was referred from the Committee on Agriculture and Ecology to the Committee on Finance.

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

There being no objection, the House adjourned until 10:00 a.m., Monday, February 21, 2000, the 43rd Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FORTIETH DAY, FEBRUARY 18, 2000

JOURNAL OF THE HOUSE

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FORTY THIRD DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 21, 2000

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

The flag was escorted to the rostrum by the Kentwood ROTC Color Guard from Kentwood High School. The Speaker led the chamber in the Pledge of Alliance. The National Anthem was performed by Sonja Kaye, accompanied by Eric Verdine. Prayer was offered by Father Seamus Lavery, St. Patrick's Church, Tacoma. Ms. Kaye performed "This Little Light of Mine".

The Philipino American Youth Organization performed a special dance.

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4748, by Representatives Morris, Quall, Anderson, Barlean, McDonald, D. Schmidt, Dunn and Wensman

WHEREAS, Brandon Vance, a resident of Anacortes, is a wonderfully talented young musician; and

WHEREAS, Brandon has been competing as a violinist since 1996, when he entered and won his first Scottish Fiddle competition at age eleven; and

WHEREAS, Brandon won the Junior Columbia-Pacific Scottish Fiddle Championship in 1996 and 1997; and

WHEREAS, Brandon placed second in the Junior United States National Scottish Fiddle Championships in 1998; and

WHEREAS, Brandon is also accomplished in classical violin, receiving the 1998 Outstanding Achievement Award in the Seattle Young Artists Music Festival Concerto; and

WHEREAS, Brandon won the Open Northwest Regional Scottish Fiddle Championship in 1999, and became the youngest person to ever win the Open United States National Scottish Fiddle Championship in 1999, at the age of fourteen;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Brandon Vance for his outstanding achievement in becoming the youngest person to ever win the Open United States National Scottish Fiddle Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Brandon Vance.

Representative Morris moved adoption of the resolution.

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

House Resolution No. 2000-4748 was adopted.

Speaker Chopp introduced Brandon Vance, who performed a set of Scottish traditional tunes on the violin.

HOUSE RESOLUTION NO. 2000-4763, by Representatives Skinner, Kenney, Kessler, Carlson, Thomas, McDonald, Ogden, Lantz, D. Schmidt, Wensman and Conway

WHEREAS, The Arts enhance the lives of the people of the State of Washington; and

WHEREAS, The Arts have long been a part of community development with thousands of Artists commissioned through the Works Progress Administration (WPA) during the 1930's; and

WHEREAS, Washington continues to benefit from the contributions of the state's many Arts agencies, facilities, organizations, and institutions, and individual Artists, including photographers, playwrights, actors, directors, writers, musicians, painters, carvers, sculptors, weavers, and other craftspeople; and

WHEREAS, The Arts stimulate creative thinking, contribute to full brain development, encourage self-expression, promote common understanding, and transmit cultural values to future generations; and

WHEREAS, The Arts enable lifelong learning, are essential to a basic education, assist with the teaching of other subjects, and foster logical analysis, self-discipline, cooperation, and teamwork; and

WHEREAS, The Arts contribute to the economic development of our state's communities by generating millions of dollars in revenue each year through performances, projects, exhibitions, festivals, Art walks, craft fairs, and concerts; and

WHEREAS, The Arts of Washington State have received international acclaim for the quality of our Artists, Arts educators, and Arts agencies, facilities, organizations, and institutions, drawing audiences from across the nation and the world to the Northwest, and making cultural tourism a vital part of our economy; and

WHEREAS, The world renowned Art showing, Three Generations of Mexican Masters, presented by the Consul of Mexico, can be viewed February 21st through February 28th of this year at the Office of the Secretary of State, located in the Capitol Building in Olympia, Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Arts, Artists, Arts educators, and Arts agencies, facilities, organizations, and institutions of this state, and encourage all the citizens of Washington State to join the conversation in planning on the Arts as we address the issues and opportunities for Arts and culture for our state and our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Washington State Arts Commission and the Office of the Superintendent of Public Instruction on behalf of all the Artists, Arts educators, and Arts agencies, facilities, organizations, and institutions of this state.

Representative Skinner moved adoption of the resolution.

Representatives Skinner, Kenney, Kessler and DeBolt spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4763 was adopted.

SPEAKER'S PRIVILEGE

Speaker Chopp introduced Consul General of Mexico, Mariano Lemas.

HOUSE RESOLUTION NO. 2000-4762, by Representatives G. Chandler, Linville, Thomas, D. Schmidt, Dunn and Wensman

WHEREAS, Washington state produces more potatoes per acre than anywhere else in the world; and

WHEREAS, For the first time ever, Washington state potatoes or "Watatos" surpassed wheat to become the second largest agricultural crop in Washington; and

WHEREAS, The Washington Watato industry contributes approximately 2 billion dollars to our state's economy; and

WHEREAS, People all over the world know that Watatos are delicious and nutritious; and

WHEREAS, There are over 300 proud Watato growers in the state of Washington, harvesting nearly 152,000 acres of Watatos each year; and

WHEREAS, Eighty-seven percent of Watatos are sold to processors who carefully and lovingly transform them into golden fries, crunchy chips, and whipped and creamy mashed watatos; and

WHEREAS, Due to the long, warm days and cool nights in the mineral-rich volcanic soil of the Columbia Basin, Watatos grow up to be the light, fluffy, high-solids Watatos known worldwide; and

WHEREAS, Nearly nine out of every ten Watatos are marketed out of Washington state, with a significant portion of these going to overseas markets; and

WHEREAS, Japan purchases approximately 70 percent of the french fries made from Watatos that are exported each year; and

WHEREAS, In Pacific Rim countries where local government trade regulations permit fresh potato imports, Watatos command a 95 percent share of United States potato exports;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives acknowledge and honor the women and men who plant, grow, harvest, and process Watatos in Washington state that have contributed so much to the strength and vitality of our state and its economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Washington State Potato Commission and to Watato lovers everywhere.

Representative Chandler moved adoption of the resolution.

Representatives Chandler, Linville, Clements and Cooper spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4762 was adopted.

HOUSE RESOLUTION NO. 2000-4760, by Representatives Tokuda, Kagi, McIntire, Kenney, Dickerson, Rockefeller, Veloria, Regala, Santos, Keiser, Conway, Hatfield, Van Luven, Eickmeyer, Reardon, Cooper, Schual-Berke, Morris, Edwards, Ruderman, Haigh, Dunshee, Constantine, Anderson, Carlson, Edmonds, O'Brien, Lantz, Wood, Kastama, Bush, Ogden, Grant, Buck, Delvin, Campbell, Ballasiotes, Mielke, Crouse, McDonald, D. Schmidt, Dunn and Wensman

WHEREAS, For over fifty years, the staff and volunteers of Washington state's YMCA Youth & Government have been helping young people experience democracy in action through two successful programs, the YMCA Youth Legislature and the YMCA Mock Trial Competition; and

WHEREAS, The YMCA Youth Legislature will meet for its 53rd session from May 3, 2000, through May 6, 2000, and expects over four hundred forty participants; and

WHEREAS, The YMCA Mock Trial Competition began twelve years ago, and continues this year from March 26, 2000, through March 27, 2000, and expects over five hundred participants; and

WHEREAS, The goals of the YMCA Youth and Government programs are to foster the development of citizen responsibility and communication skills; to inspire young people to develop integrity and social responsibility; to foster social competence, problem-solving ability, autonomy, and sense of purpose in young adults; to provide training, experience, and active participation in the legislative and judicial processes; to provide opportunities to hear and respect varying viewpoints; and to apply ethical values in making public policy; and

WHEREAS, Through participation in the YMCA Youth and Government programs, young people in Washington state develop a strong sense of self-reliance and self-esteem; and

WHEREAS, In the YMCA Youth Legislature, young adults take on a variety of roles in government, including elected positions, and exercise their responsibilities during a four-day session held at the State Capitol; and

WHEREAS, Through the YMCA Youth Legislature, young adults learn how to write legislation, use parliamentary procedure, speak publicly and persuasively, and compromise to achieve a goal; and

WHEREAS, The motto of the YMCA Youth Legislature is Democracy Must Be Learned by Every Generation; and

WHEREAS, In the YMCA Mock Trial Competition, young adults prepare and try a case before a real judge in an actual courtroom; and

WHEREAS, Through the YMCA Mock Trial Competition, young adults develop critical thinking and analytical skills, learn the art of oral advocacy, and appreciate the importance of teamwork and cooperation under the pressure of preparing and arguing their cases; and

WHEREAS, The Legislature of the State of Washington encourage the interests of our youth in legislative matters and in the proceedings of the Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor YMCA Youth and Government programs.

There being no objection, House Resolution No. 2000-4760 was adopted.

HOUSE RESOLUTION NO. 2000-4753, by Representatives Fortunato, Ruderman, DeBolt, Stensen, Carrell, Santos, McMorris, Grant, Campbell, O'Brien, Mulliken, Ogden, B. Chandler, Edmonds, Lambert, Romero, Hankins, Regala, Esser, Linville, Thomas, Keiser, Cox, Reardon, Schindler, Kenney, Wensman, Rockefeller, Parlette, Lantz, Bush, Lovick, Talcott, Haigh, Mielke, Conway, Skinner, Anderson, D. Sommers, Doumit, Dunn, Dickerson, Woods, Fisher, Clements, Hatfield, Cairnes, Gombosky, Koster, Tokuda, Barlean, Eickmeyer, Edwards, Kastama, Schual-Berke, Quall, Morris, Wood, Kagi, Miloscia, Dunshee, Voloria, Wolfe, Poulsen, Kessler, Murray, McIntire, Cooper, McDonald and D. Schmidt

WHEREAS, The birth of a child marks one of the greatest events of life in any culture; and

WHEREAS, The time-honored profession of midwifery provides safe, effective, and personalized care for mothers and babies resulting in excellent birth outcomes as well as deeply meaningful and satisfying family birth experiences; and

WHEREAS, All of our nation's presidents, except the last two, and many of our nation's most revered scientists and clergy of the last century were delivered at home, mainly by midwives; and

WHEREAS, Midwives are acknowledged as being highly influential in establishing and advancing the modern-day practice of nursing and the surgical discipline of obstetrics by giving us a comprehensive and specialized understanding of normal labor and birth; and

WHEREAS, According to a recent study at John Hopkins University, midwives are the most cost-effective and appropriate primary caregivers for childbearing women, and \$13 billion to \$20 billion a year could be saved in health care costs by developing midwifery care; and

WHEREAS, Research shows conclusively that for most women a planned midwife-attended birth at home or in a birth center is at least as safe as birth in a hospital; and

WHEREAS, The practice of midwifery has many benefits including lower costs, lower rates of premature births, lower incidence of medical interventions during the birthing process including routine

episiotomies and cesarean sections, reduced incidence of birth injury, higher rates of breast-feeding, and greater satisfaction with the birthing experience; and

WHEREAS, Midwives are licensed in Washington State and must successfully complete rigorous theoretical instruction as well as extensive supervised clinical experience in all aspects of the birthing process; and

WHEREAS, The cooperative work of the Midwives Association of Washington State and national midwifery organizations to increase women's access to midwifery and community awareness of childbirth, pregnancy, and early parenting choices will result in more healthy outcomes for babies being born in our state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the many significant contributions midwives have made to the health and well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Department of Health and the Midwives Association of Washington.

Representative Fortunato moved adoption of the resolution.

Representatives Fortunato, Ruderman, Schmidt, Woods and Schindler spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4753 was adopted.

Speaker Chopp called upon Representative Ogden to presiding.

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

MESSAGE FROM THE SENATE

February 18, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418,

SENATE CONCURRENT RESOLUTION NO. 8426,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 3139 by Representatives Huff, Doumit, Eickmeyer, Buck, Haight, Parlette, Kessler and Hatfield

AN ACT Relating to providing for an interim policy regarding log export restricts.

Held on 1st Reading from February 15, 2000.

HB 3145 by Representatives Constantine and Ballasiotes

AN ACT Relating to donations to public higher education institutions; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 3146 by Representatives Carrell, Thomas, Barlean, Radcliff, Koster, Huff, Cox, Alexander, Ballasiotes, Mulliken, Lambert, McMorris, Schoesler, Cairnes, D. Sommers, Carlson, Mastin, Parlette, B. Chandler, Delvin, Schindler, Woods, Campbell, G. Chandler, Mielke, Crouse, Esser, DeBolt, Lisk, Pflug, Ericksen, Talcott, Mitchell, Hankins, Skinner, Boldt, Sump, Buck, D. Schmidt, Fortunato, Wensman, Dunn and McDonald

AN ACT Relating to reducing property taxes by reducing the total state property tax levy amount by ten percent; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Finance.

HB 3147 by Representatives Veloria and Campbell

AN ACT Relating to the Washington state trade representative; amending RCW 43.332.005 and 43.332.010; and adding a new section to chapter 43.332 RCW.

Held on 1st Reading.

ESSCR 8418 by Senate Committee on Judiciary (originally sponsored by Senators Hargrove, Heavey, Kohl-Welles, Long, Franklin and Kline)

Reviewing state sentencing policy.

Referred to Committee on Criminal Justice & Corrections.

SCR 8426 by Senators Rasmussen, Swecker, Snyder, Bauer, Goings, McCaslin, Winsley, Oke, West, Shin, Benton, Thibaudeau, Roach, Johnson, B. Sheldon, Haugen, Heavey, Fairley, Spanel, Prentice, Loveland, Fraser, Kohl-Welles and McAuliffe

Creating a joint select committee on veterans and military affairs.

Referred to Committee on State Government.

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

REPORTS OF STANDING COMMITTEES

February 18, 2000

ESSB 6347 Prime Sponsor, Committee on Senate State & Local Government: Creating small works roster provisions to award public works contracts. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh, Lambert and Schmidt.
Excused: Representatives Campbell and Dunshee.

Passed to Rules Committee for Second Reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

EIGHTH ORDER

There being no objection, SUBSTITUTE SENATE BILL NO. 6284 was referred from the Committee on Judiciary to the Committee on Criminal Justice and Corrections, and SUBSTITUTE SENATE BILL NO. 6395 was referred from the Committee on Judiciary to the Committee on Criminal Justice and Corrections.

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

MOTION

On motion of Representative Morris, the House adjourned until 9:55 a.m., Tuesday, February 22, 2000, the 44th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FORTY THIRD DAY, FEBRUARY 21, 2000

JOURNAL OF THE HOUSE

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FORTY FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, February 22, 2000

The House was called to order at 9:55 a.m. by Speaker Pro Tempore Pennington

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

INTRODUCTIONS AND FIRST READING

HB 3139 by Representatives Huff, Doumit, Eickmeyer, Buck, Haight, Parlette, Kessler and Hatfield

AN ACT Relating to providing for an interim policy regarding log export restricts.

Referred to Committee on Natural Resources

HB 3147 by Representatives Veloria and Campbell

AN ACT Relating to the Washington state trade representative; amending RCW 43.332.005 and 43.332.010; and adding a new section to chapter 43.332 RCW.

Held on 1st Reading.

HJR 4220 by Representatives Esser, Koster and Lambert

Amending constitutional provisions regarding the investment of funds.

Referred to Committee on Appropriations.

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

REPORTS OF STANDING COMMITTEES

February 18, 2000

ESSB 5121 Prime Sponsor, Committee on Senate Natural Resources, Parks & Recreat: Establishing a carbon storage program. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

On page 2, line 26, after "(5)" insert "For the purposes of this act the department of community, trade, and economic development means the department of community, trade, and economic development or a successor state agency that has been granted the powers and duties currently vested in the department of community, trade, and economic development energy policy unit. (6)"

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representative Clements.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Doumit, Eickmeyer, Ericksen and Stensen.

Voting nay: Representatives Clements and Rockefeller.

Excused: Representative Pennington.

Referred to Committee on Appropriations.

February 18, 2000

SB 6174 Prime Sponsor, Jacobsen: Extending the tenure of the winter recreation advisory committee. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Rockefeller and Stensen.

Excused: Representative Pennington.

Passed to Rules Committee for Second Reading.

February 18, 2000

SSB 6293 Prime Sponsor, Committee on Senate Natural Resources, Parks & Recreat: Creating a ballast water monitoring program. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that some nonindigenous species have the potential to cause economic and environmental damage to the state and that current efforts to stop the introduction of nonindigenous species from shipping vessels do not adequately reduce the risk of new introductions into Washington waters.

The legislature recognizes the international ramifications and the rapidly changing dimensions of this issue, and the difficulty that any one state has in either legally or practically managing this

issue. Recognizing the possible limits of state jurisdiction over international issues, the state declares its support for the international maritime organization and United States coast guard efforts, and the state intends to complement, to the extent its powers allow it, the United States coast guard's ballast water management program.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ballast tank" means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(2) "Ballast water" means any water and matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried.

(3) "Empty/refill exchange" means to pump out, until the tank is empty or as close to empty as the master or operator determines is safe, the ballast water taken on in ports, estuarine, or territorial waters, and then refilling the tank with open sea waters.

(4) "Exchange" means to replace the water in a ballast tank using either flow through exchange, empty/refill exchange, or other exchange methodology recommended or required by the United States coast guard.

(5) "Flow through exchange" means to flush out ballast water by pumping in midocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water have been changed to minimize the number of original organisms remaining in the tank.

(6) "Nonindigenous species" means any species or other viable biological material that enters an ecosystem beyond its natural range.

(7) "Open sea exchange" means an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

(8) "Recognized marine trade association" means those trade associations in Washington state that promote improved ballast water management practices by educating their members on the provisions of this chapter, participating in regional ballast water coordination through the Pacific ballast water group, assisting the department in the collection of ballast water exchange forms, and the monitoring of ballast water. This includes members of the Puget Sound marine committee for Puget Sound and the Columbia river steamship operators association for the Columbia river.

(9) "Sediments" means any matter settled out of ballast water within a vessel.

(10) "Untreated ballast water" includes exchanged or unexchanged ballast water that has not undergone treatment.

(11) "Vessel" means a self-propelled ship in commerce of three hundred gross tons or more.

(12) "Voyage" means any transit by a vessel destined for any Washington port.

(13) "Waters of the state" means any surface waters, including internal waters contiguous to state shorelines within the boundaries of the state.

NEW SECTION. Sec. 3. (1) This chapter applies to all vessels carrying ballast water into the waters of the state from a voyage, except:

(a) A vessel of the United States department of defense or United States coast guard subject to the requirements of section 1103 of the national invasive species act of 1996, or any vessel of the armed forces, as defined in 33 U.S.C. Sec. 1322(a)(14), that is subject to the uniform national discharge standards for vessels of the armed forces under 33 U.S.C. Sec. 1322(n);

(b) A vessel (i) that discharges ballast water or sediments only at the location where the ballast water or sediments originated, if the ballast water or sediments do not mix with ballast water or sediments from areas other than open sea waters; or (ii) that does not discharge ballast water in Washington waters;

(c) A vessel traversing the internal waters of Washington in the Strait of Juan de Fuca, bound for a port in Canada, and not entering or departing a United States port, or a vessel in innocent passage, which is a vessel merely traversing the territorial sea of the United States and not entering or departing a United States port, or not navigating the internal waters of the United States; and

(d) A crude oil tanker that does not exchange or discharge ballast water into the waters of the state.

(2) This chapter does not authorize the discharge of oil or noxious liquid substances in a manner prohibited by state, federal, or international laws or regulations. Ballast water containing oil, noxious liquid substances, or any other pollutant shall be discharged in accordance with the applicable requirements.

(3) The master or operator in charge of a vessel is responsible for the safety of the vessel, its crew, and its passengers. Nothing in this chapter relieves the master or operator in charge of a vessel of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers.

NEW SECTION. Sec. 4. The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

(1) Discharge into waters of the state is authorized if the vessel has conducted an open sea exchange of ballast water. A vessel is exempt from this requirement if the vessel's master reasonably determines that such a ballast water exchange operation will threaten the safety of the vessel or the vessel's crew, or is not feasible due to vessel design limitations or equipment failure. If a vessel relies on this exemption, then it may discharge ballast water into waters of the state, subject to any requirements of treatment under subsection (2) of this section and subject to section 5 of this act.

(2) After July 1, 2002, discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange or if the vessel has treated its ballast water to meet standards set by the department. When weather or extraordinary circumstances make access to treatment unsafe to the vessel or crew, the master of a vessel may delay compliance with any treatment required under this subsection until it is safe to complete the treatment.

(3) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington state, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

(4) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

NEW SECTION. Sec. 5. The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control complies with the reporting and sampling requirements of this section.

(1) Vessels covered by this chapter must report ballast water management information to the department using ballast water management forms that are acceptable to the United States coast guard. The frequency, manner, and form of such reporting shall be established by the department by rule. Any vessel may rely on a recognized marine trade association to collect and forward this information to the department.

(2) In order to monitor the effectiveness of national and international efforts to prevent the introduction of nonindigenous species, all vessels covered by this chapter must submit nonindigenous species ballast water monitoring data. The monitoring, sampling, testing protocols, and methods of identifying nonindigenous species in ballast water shall be determined by the department by rule. A vessel covered by this chapter may contract with a recognized marine trade association to randomly sample vessels within that association's membership, and provide data to the department.

(3) Vessels that do not belong to a recognized marine trade association must submit individual ballast tank sample data to the department for each voyage.

(4) All data submitted to the department under subsection (2) of this section shall be consistent with sampling and testing protocols as adopted by the department by rule.

(5) The department shall adopt rules to implement this section. The rules and recommendations shall be developed in consultation with advisors from regulated industries and the potentially affected parties, including but not limited to shipping interests, ports, shellfish growers,

fisheries, environmental interests, interested citizens who have knowledge of the issues, and appropriate governmental representatives including the United States coast guard.

(a) The department shall set standards for the discharge of treated ballast water into the waters of the state. The rules are intended to ensure that the discharge of treated ballast water poses minimal risk of introducing nonindigenous species. In developing this standard, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards shall be compatible with standards set by the United States coast guard and shall be developed in consultation with federal and state agencies to ensure consistency with the federal clean water act, 33 U.S.C. Sec. 1251-1387.

(b) The department shall adopt ballast water sampling and testing protocols for monitoring the biological components of ballast water that may be discharged into the waters of the state under this chapter. Monitoring data is intended to assist the department in evaluating the risk of new, nonindigenous species introductions from the discharge of ballast water, and to evaluate the accuracy of ballast water exchange practices. The sampling and testing protocols must consist of cost-effective, scientifically verifiable methods that, to the extent practical and without compromising the purposes of this chapter, utilize easily measured indices, such as salinity, or check for species that indicate the potential presence of nonindigenous species or pathogenic species. The department shall specify appropriate quality assurance and quality control for the sampling and testing protocols.

NEW SECTION. Sec. 6. The shipping vessel industry and the department shall promote the creation of a pilot project to establish a private sector ballast water treatment operation that is capable of servicing vessels at all Washington ports. Federal and state agencies and private industries shall be invited to participate. The project will develop equipment or methods to treat ballast water and establish operational methods that do not increase the cost of ballast water treatment at smaller ports. The legislature intends that the cost of treatment required by this chapter is substantially equivalent among large and small ports in Washington.

NEW SECTION. Sec. 7. The legislature recognizes that international and national laws relating to this chapter are changing and that state law must adapt accordingly. The department shall submit to the legislature, and make available to the public, a report that summarizes the results of this chapter and makes recommendations for improvement to this chapter on or before December 1, 2001, and a second report on or before December 1, 2004. The 2001 report shall describe how the costs of treatment required as of July 1, 2002, will be substantially equivalent among ports where treatment is required. The department shall strive to fund the provisions of this chapter through existing resources, cooperative agreements with the maritime industry, and federal funding sources.

NEW SECTION. Sec. 8. (1) Except as limited by subsection (2) or (3) of this section, the director or the director's designee may impose a civil penalty or warning for a violation of the requirements of this chapter on the owner or operator in charge of a vessel who fails to comply with the requirements imposed under sections 4 and 5 of this act. The penalty shall not exceed five thousand dollars for each violation. In determining the amount of a civil penalty, the department shall consider if the violation was intentional, negligent, or without any fault, and shall consider the quality and nature of risks created by the violation. The owner or operator subject to such a penalty may contest the determination by requesting an adjudicative proceeding within twenty days. Any determination not timely contested is final and may be reduced to a judgment enforceable in any court with jurisdiction. If the department prevails using any judicial process to collect a penalty under this section, the department shall also be awarded its costs and reasonable attorneys' fees.

(2) The civil penalty for a violation of reporting requirements of section 5 of this act shall not exceed five hundred dollars per violation.

(3) Any owner or operator who knowingly, and with intent to deceive, falsifies a ballast water management report form is liable for a civil penalty in an amount not to exceed five thousand dollars per violation, in addition to any criminal liability that may attach to the filing of false documents.

(4) The department, in cooperation with the United States coast guard, may enforce the requirements of this chapter.

NEW SECTION. **Sec. 9.** By December 31, 2005, the natural resources committees of the legislature must review this chapter and its implementation and make recommendations if needed to the 2006 regular session of the legislature.

NEW SECTION. **Sec. 10.** The departments of fish and wildlife and ecology shall invite representatives from the United States department of defense to discuss ways of improving ballast water management in Washington state. The departments, in cooperation with the United States coast guard shall seek input from other coastal states and the Province of British Columbia in conducting the study and in formulating recommendations. The departments shall provide the most appropriate forum to stimulate dialogue which can result in specific policies and action protocols. The departments shall make recommendations concerning proposals for laws and rules that will guarantee the same level of public and private compliance to protect the marine environment. The legislature wishes to ensure that vessels exempted from this act by section 3(1)(a) of this act are taking adequate precautions to prevent the introduction of nonindigenous species into the waters of the state. The departments of fish and wildlife and ecology shall submit a report to the legislature by December 31, 2001, summarizing the results of these discussions.

NEW SECTION. **Sec. 11.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 12.** Sections 1 through 9 and 11 of this act constitute a new chapter in Title 75 RCW."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "adding a new chapter to Title 75 RCW; creating a new section; and prescribing penalties."

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Clements, Doumit, Eickmeyer, Ericksen, Rockefeller and Stensen.

Excused: Representatives G. Chandler and Pennington.

Passed to Rules Committee for Second Reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, SUBSTITUTE SENATE BILL NO. 6008 was referred from the Committee on Criminal Justice to the Committee on Judiciary.

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

There being no objection, the House adjourned until 10:00 a.m., Wednesday, February 23, 2000, the 45th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FORTY FOURTH DAY, FEBRUARY 22, 2000

JOURNAL OF THE HOUSE

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

FORTY FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 23, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jared Moss and Laura Murahashi. Prayer was offered by Pastor Thomas Karwaki, Littlerock United Methodist Church.

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

WENATCHEE APPLE BLOSSOM COURT

The Speaker (Representative Ogden presiding) introduced the royal court for the Wenatchee Apple Blossom Apple Festival to the Chamber: Queen Chelsea Waliser, and Princesses Alison Brigleb and Mary Beth Brewer. Queen Chelsea addressed the body inviting all to attend the festivities.

SPEAKER'S PRIVILEGE

The Speaker (Representative Ogden presiding): "Having grown up in Wenatchee, I know what an important event this is. It really brings the total community together to do a family activity. We are always glad to welcome the Apple Blossom Court here to our Chambers. Thank you."

RESOLUTION

HOUSE RESOLUTION NO. 2000-4758, by Representatives Delvin, Lovick, O'Brien, McDonald, Thomas, Koster, Ballasiotes, Wensman, Wolfe, Regala, Mastin, Haigh, Edwards, Morris, Dunn, Dickerson, Hurst, Tokuda, Esser, Gombosky, Rockefeller, Reardon, Cooper, Kenney, Anderson, Skinner, Radcliff, Clements, Barlean, Sump, Ericksen, Carlson, Parlette, Pflug, Benson, Lambert, Bush, Hatfield, Carrell, Woods, G. Chandler, Schoesler, Talcott, Kagi, Conway, Edmonds, Schmidt, Hankins, Fortunato, Huff

WHEREAS, Many men and women from Washington state have served and continue to serve their communities well as dedicated law enforcement officers; and

WHEREAS, The brave men and women of law enforcement frequently place their own safety at risk to help us all live in safer, healthier communities; and

WHEREAS, Under difficult circumstances, the honorable men and women of law enforcement valiantly put themselves on the line to protect both persons and property against the lawless acts of people bent on destruction and harm during the recent events surrounding the World Trade Organization conference in Seattle; and

WHEREAS, The men and women of law enforcement refused to concede the streets of Seattle to the efforts of some to trample on the rights of the guests, visitors, and residents of Seattle; and

WHEREAS, The outstanding men and women of law enforcement should be recognized for their courage in respecting the rule of law, maintaining the safety of the public, and proving their character and fortitude in taking a leadership role in keeping the peace;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its heartfelt appreciation to men and women of law enforcement for their dedicated service and their recent performance in ensuring the well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to each law enforcement agency that participated in Seattle during the World Trade Organization conference, including the Auburn Police Department, Bainbridge Island Police Department, Bonney Lake Police Department, Bothell Police Department, Brier Police Department, Buckley Police Department, Covington Police Department, Des Moines Police Department, Edmonds Police Department, Enumclaw Police Department, Everett Police Department, Federal Way Department of Public Safety, Gig Harbor Police Department, Issaquah Police Department, King County Department of Adult and Juvenile Detention, King County Sheriffs Office, Kirkland Police Department, Kitsap County Sheriffs Office, Lake Forest Park Police Department, Lake Stevens Police Department, Lynnwood Police Department, Marysville Police Department, Mercer Island Police Department, Mill Creek Police Department, Milton Police Department, Monroe Police Department, Mountlake Terrace Police Department, Mukilteo Police Department, Orting Police Department, Pierce County Sheriffs Department, Port of Seattle Police Department, Redmond Police Department, Renton Police Department, Seattle Police Department, Snohomish County Sheriffs Office, Snohomish Police Department, Sultan Police Department, Sumner Police Department, Tacoma Police Department, Tukwila Police Department, University of Washington Police Department, Washington State Department of Corrections, and the Washington State Patrol.

Representative Delvin moved adoption of the resolution.

Representatives Delvin, Lovick, O'Brien, McDonald, Van Luven, Hurst, Lambert and Cooper spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4758 was adopted.

INTRODUCTIONS AND FIRST READING

HB 3147 by Representatives Veloria and Campbell

AN ACT Relating to the Washington state trade representative; amending RCW 43.332.005 and 43.332.010; and adding a new section to chapter 43.332 RCW.

Held on 1st Reading from February 21, 2000.

On motion of Representative Morris, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 22, 2000

HCR 4428 Prime Sponsor, Representative Conway: Creating a joint select committee on veterans and military affairs. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic

Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 22, 2000

SSB 5408 Prime Sponsor, Committee on Ways & Means: Creating a state medal of valor. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 22, 2000

ESSB 6149 Prime Sponsor, Committee on Senate Natural Resources, Parks & Recreation: Allowing the disposition of state forest lands without public auction. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Rockefeller and Stensen.

Excused: Representative Pennington.

Passed to Rules Committee for Second Reading.

February 22, 2000

SSJM 8026 Prime Sponsor, Committee on Senate State & Local Government: Commemorating the 50th anniversary of the Korean War. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 22, 2000

SJM 8027 Prime Sponsor, Shin: Commemorating the 50th anniversary of the Korean War. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

On motion of Representative Morris, the bills, memorials and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

FLAGS AT HALF STAFF

Governor Locke directed that the United States and Washington State flags at all State agency facilities be lowered to half-staff February 23, in memory of Samuel Williams, Department of Transportation Maintenance Tech 2, of Morton. Sam was struck by a vehicle and killed February 22, 2000 while flagging for a sign installation project near Mossyrock on the White Pass Highway. He had worked for the Department of Transportation since 1991, was trained as a flagger and was properly dressed for high visibility.

Other government entities, citizens and businesses are encouraged to join this recognition of a Washington State employee killed in the line of duty.

MOTION

On motion of Representative Morris, the House adjourned until 10:00 a.m., Thursday, February 24, 2000, the 46th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FORTY FIFTH DAY, FEBRUARY 23, 2000

JOURNAL OF THE HOUSE

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FORTY SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, February 24, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicole Ballard and Chloe Birnel. Prayer was offered by Father James Elliott, St. Anthony's Church, Renton.

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

SPEAKER'S PRIVILEGE

Speaker Ballard introduced the House interns for the 2000 Session: Althea Cawley-Murphree, Kevin Cure, Carie Eggert, Michael Eklund-Grayum, Travis Groves, Sophia Kan, Jennie Keith, Kari Lambert, Rob Lane, Lan Nguyen, T.K. Norman, Ryan Pennington, Marie Smith, Shelly Smith, Daniel Weintraub, Aaron McCoy and Aaron Qualls.

POINT OF PERSONAL PRIVILEGE

Representative Pennington expressed his gratitude to the interns. His legislative assistant was taken ill and the interns were filling in for her, making order out of the chaos.

SPEAKER'S PRIVILEGE

Speaker Ballard introduced a visiting group from the University of Alberta Campus Chapter of Habitat for Humanity. These students were spending their spring break building homes in Olympia. For the two previous evenings, they had been teaching Legislative staff how to "mud and tape" at the Home from the Dome. The Speaker expressed how honored the House was to meet young people like these who not only talked about their concern for fellow human beings, but who also put their words into action and so generously gave of their own time, talent and energy.

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4744, by Representatives Schoesler, Ogden, Ballard, Chopp, Parlette, Ericksen, Pflug, Benson, Campbell, Mielke, Boldt, DeBolt, Cox, Buck, Skinner, Woods, Barlean, McDonald, Esser, Lambert, Kenney, Tokuda, Grant, Wood, Pennington, Wensman, D. Sommers, Dunn, Van Luven, Carlson, Mastin, Rockefeller, Sullivan, Anderson, Fisher, Cooper, B. Chandler, Santos, Eickmeyer, Stensen, Edmonds, Wolfe, Hatfield, Haigh, Conway, Kagi, Doumit, Radcliff, Ballasiotes, Alexander, D. Schmidt, Delvin, Schindler, Talcott, Clements, Cairnes, McMorris, Thomas, Bush, Ruderman, Lovick, Kastama, Hankins, Mulliken, Carrell, Cody, Constantine, Crouse, Dunshee, Edwards, Fortunato, Huff, Hurst, Keiser, Kessler, Koster, Lantz, Lisk, Miloscia, O'Brien, Poulsen, Regala, Romero, K. Schmidt, Schual-Berke, Scott, H. Sommers and Sump

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in all fields of endeavor; and

WHEREAS, Dr. Samuel H. Smith has shown the highest level of excellence as President of Washington State University (WSU); and

WHEREAS, Dr. Samuel H. Smith, a native of Salinas, California, holds bachelor's and doctoral degrees in plant pathology from the University of California at Berkeley and honorary doctoral degrees from Nihon University in Tokyo, Japan, and Far Eastern State University in Vladivostok, Russia; and

WHEREAS, Dr. Samuel H. Smith has enjoyed a distinguished career in higher education, including: 1961-Bachelor's degree in plant pathology from the University of California at Berkeley; 1964-Ph.D. in plant pathology from University of California at Berkeley; 1965-NATO postdoctoral fellow at Glasshouse Crops Research Institute, Sussex, England; 1965-Joined University of California at Berkeley faculty; 1969-Joined the Pennsylvania State University faculty and later became plant department head; 1981-Appointed College of Agriculture Dean and served as director of both the Cooperative Extension Service and Agricultural Experiment Station at Pennsylvania State University; and 1985-Appointed 8th President, Washington State University; and

WHEREAS, Founded in 1890, WSU has grown in size and stature under Dr. Samuel H. Smith's leadership with its teaching, research, and public service activities receiving world-wide recognition; and

WHEREAS, Dr. Samuel H. Smith's priorities for WSU include strengthening undergraduate and graduate education, placing an international imprint on programs, and increasing opportunities for women and minorities; and

WHEREAS, Dr. Samuel H. Smith is recognized nationally as a leader in distance education, and is well known for establishing WSU branch campuses in Spokane, the Tri-Cities, and Vancouver to serve place-bound and job-bound students, and learning centers and award-winning extended degree programs that have further expanded access to WSU; and

WHEREAS, In 1998, during the presidency of Dr. Samuel H. Smith, the Washington State Cougar Football team went to the Rose Bowl for the first time in sixty-seven years; and

WHEREAS, In the fall of 1999, WSU's state-wide enrollment, including the main campus at Pullman, exceeded twenty-one thousand students for the first time, with more than one-third of all WSU graduates since the university's first commencement in 1897 having had their academic degrees granted by Dr. Samuel H. Smith; and

WHEREAS, Under Dr. Samuel H. Smith's leadership, Campaign WSU, the University's first comprehensive fund-raising effort, attracted \$275.4 million in private support, substantially over its \$250 million goal, and transformed WSU's ability to serve students and the state of Washington by supporting scholarships, faculty recruitment and retention, learning technology, and state-wide education; and

WHEREAS, Dr. Samuel H. Smith is a member of the Board of Trustees of the Western Governors University of which WSU is a founding member; and

WHEREAS, Dr. Samuel H. Smith is Chair of the National Association of State Universities and Land-Grant Colleges Board of Directors for 2000, and his leadership positions with the association have included serving as chair of both the NASULGC Council of Presidents and its Commission on Information Technologies; and

WHEREAS, Dr. Samuel H. Smith is a member of the Kellogg Commission on the Future of the State and Land-Grant Universities created by NASULGC which is planning for change and improvement of state universities and land-grant colleges for the 21st century; and

WHEREAS, Dr. Samuel H. Smith was honored in 1998 at the NASULGC annual meeting as the Justin Smith Morrill Memorial lecturer given by the United States Department of Agriculture and NASULGC once every three years honoring outstanding contemporary leadership in teaching and significant contributions as an educator in promoting the land-grant tradition of the "liberal and practical education of all people"; and

WHEREAS, Dr. Samuel H. Smith has proved to be an innovative and forward-looking leader in providing whole-hearted support for the agricultural community and creating the unique President's Agriculture 101 Group to ensure Washington's agricultural interests are protected and promoted for the good of the citizens of this state and our trading partners both here and around the world; and

WHEREAS, Dr. Samuel H. Smith, in January 1999, completed his term as chair of the Executive Committee of the National Collegiate Athletic Association, in 1994 became active in the NCAA when he was elected as the Division I representative to the Presidents Commission and later elected chair of that commission, and in 1997 was elected chair of the Executive Committee, the NCAA's newly formed primary governing body, and served in that capacity until completion of his term; and

WHEREAS, Dr. Samuel H. Smith has been honored by the Council for Advancement and Support of Education District VIII with its Leadership Award for "qualities beyond leadership" that enable WSU to "dramatically change course, chart a new vision, and exceed even its own expectations" in serving students; and

WHEREAS, Dr. Samuel H. Smith has announced his intentions to retire on July 1, 2000, having transformed WSU from a university with a single rural campus to a state-wide institution with four campuses, eight learning centers, and a distance education program serving students in every county of the state and leaving WSU in good shape academically and financially; and

WHEREAS, Dr. Samuel H. Smith and his wife, Pat, have decided this is the right time for them to do the many of the other things they have wanted to do;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Dr. Samuel H. Smith for his outstanding contributions to Washington State University, to the many students, faculty, and staff whose lives have been impacted by his commitment, and to the people of the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Dr. Samuel H. Smith, members of the Board of Regents of Washington State University, members of the Higher Education Coordinating Board, and Governor Gary Locke.

Representative Schoesler moved adoption of the resolution.

Representatives Schoesler, Ogden, Carlson, Kenney, Cox, Doumit, D. Sommers and Parlette spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4744 was adopted.

Speaker Ballard introduced Dr. Samuel H. Smith and asked the Chamber to acknowledge him.

HOUSE RESOLUTION NO. 2000-4675, by Representatives Fortunato, Hankins, McDonald, Schoesler, Radcliff, K. Schmidt, Mitchell, Carlson, Mastin, Mielke, Boldt, Conway, Kastama, Wolfe, DeBolt, Cox, Bush, Thomas, Esser, Lambert, B. Chandler, McMorris, Delvin, Schindler, Dunn, Koster, Van Luven, D. Sommers, Clements, Pennington, Mulliken, Wensman, Pflug, Haigh, Veloria, Edmonds, Kagi, Eickmeyer, Ogden, Lantz, D. Schmidt, Linville, Santos, Talcott and Parlette

WHEREAS, Since 1891, outstanding young men and women from across the State of Washington have served as pages in the Washington State House of Representatives; and

WHEREAS, Pages have the unique opportunity to meet and serve elected officials. The pages provide an invaluable service to the House of Representatives by delivering documents and supplies, by answering telephone calls and delivering messages, and by presenting the flags at the beginning of each session; and

WHEREAS, Each page must attend a two-hour orientation and training session before his or her term. A page begins his or her tenure at 7:45 a.m. on Monday and concludes his or her experience at 5:00 p.m. on Friday of his or her designated week of service; and

WHEREAS, All pages carry out their duties in a professional, courteous, and cheerful manner, helping make the legislative buildings more efficient and pleasant workplaces; and

WHEREAS, The Basic Education Act declares that the primary goal for the schools of the State of Washington shall be to provide students with the opportunity to become responsible citizens. The Washington State Commission on Student Learning has established four Essential Academic Learning Requirements in the area of civics to ensure that students meet this goal; and

WHEREAS, The Legislative Page School has been restructured for this session to include an interactive, multidimensional curriculum that reflects the aims of the Basic Education Act. Each page spends two hours each day in the Legislative Page School; and

WHEREAS, The pages are actively involved in the legislative process, thereby creating a teachable moment. The mission of the Legislative Page School is to take advantage of that learning opportunity by providing organized instruction to enhance the learning that occurs naturally during the page experience; and

WHEREAS, Page School activities include: Participating in a budget exercise, drafting bills and amendments, participating in a simulated legislature, attending guest speaker presentations, discussing legislative issues and current events, and keeping a daily journal of their experiences; and

WHEREAS, Both the Page Program and the Legislative Page School provide valuable experiences that enable students to become informed citizens. Pages then share these experiences with other students, teachers, and members of the community, thus contributing to a greater understanding of the legislative process for all citizens;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and celebrate the tremendous contribution of the Page Program and of the Legislative Page School to civic education in the State of Washington.

Representative Fortunato moved adoption of the resolution.

Representatives Fortunato, Wolfe and Pflug spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4675 was adopted.

HOUSE RESOLUTION NO. 2000-4769, by Representatives Ericksen, Linville, Wensman, Morris, Ogden, Santos, Barlean and Parlette

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence among our state's young people; and

WHEREAS, Hate crimes and racist activities are an affront to all citizens of the state of Washington and devalue the communities where we live; and

WHEREAS, The middle and high school students of the Ferndale Boys and Girls Club Keystone Club recognize the importance of promoting racial harmony and positive messages of peace and equality; and

WHEREAS, The 23 members of the Keystone Club, a youth leadership group, took the initiative to raise community awareness of hate crimes; and

WHEREAS, The Keystone Club, comprised of young adults ranging in age from 13 to 18, organized a mile-long march on February 17, 2000, from the Ferndale Boys and Girls Club to Ferndale High School, and back, in positive support of victims of hate crimes; and

WHEREAS, The Ferndale Keystone Club brought together over 300 civic leaders, elected officials, law enforcement officers, school teachers, and concerned citizens to march against racist activities; and

WHEREAS, All of these extraordinary accomplishments could not have been achieved without the support and encouragement these students received from their families, friends, and community members who backed them all the way; and

WHEREAS, The inspiring group effort of these students reinforces the fact that our state's young people are actively involved in making this state a better place to live;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the Ferndale Boys and Girls Club's Keystone Club members; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Ferndale Keystone Club, the Ferndale Boys and Girls Club, and the Ferndale City Council.

Representative Ericksen moved adoption of the resolution.

Representatives Erickson and Linville spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4769 was adopted.

HOUSE RESOLUTION NO. 2000-4741, by Representatives Benson, Huff, DeBolt, Campbell, Cox, Bush, Thomas, Fortunato, Ericksen, McDonald, Wensman, Linville, Hatfield, Dunn, Esser, D. Schmidt, Talcott, Parlette, Kagi and Lambert

WHEREAS, The Scout Law which reads "A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent" provides an ethical code that we would all do well to follow; and

WHEREAS, The Scout motto of "be prepared" and the Scout slogan of "Do a Good Turn Daily" provide a positive mission for Scouts of all ages and ranks; and

WHEREAS, The Boy Scouts of America have been an integral tool in the character molding of youth for over ninety years; and

WHEREAS, In Washington state, there are over ninety-five thousand youths involved in the Boy Scouts of America and nationally there are over one million scouts, ranging from Tiger Cubs through Eagle Scouts; and

WHEREAS, Over thirty thousand adults in Washington and over five hundred thousand adults nation-wide volunteer their time to mold the future of a younger generation through Scouting; and

WHEREAS, The Governor of Washington state, Gary Locke, has been honored nationally as a distinguished Eagle Scout; and

WHEREAS, Over forty-three members of the Washington state legislature have participated in either Boy Scouts or Girl Scouts; and

WHEREAS, Scouts of all ages and ranks provide assistance in local and national emergencies and service projects; and

WHEREAS, The Boy Scouts of America was established on February 8, 1910, by founders: William D. Boyce, Ernest Thompson Seton, James E. West, and Daniel Carter Beard; and

WHEREAS, Well over ninety million people have participated in the Boy Scouts since its creation in 1910, including presidents, astronauts, union laborers, and corporate executives; and

WHEREAS, Learning for Life and the Explorer Scout program are preparing a generation of youth for academic challenges awaiting them in life; and

WHEREAS, World-wide Scout principles which include individual respect, citizenship, and service to others, help to provide a global foundation for future service for our state and country;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives applaud the effort and work of the six Washington state councils of the Boy Scouts of America and applaud the positive programs that the Boy Scouts of America provide for our youth; and

BE IT FURTHER RESOLVED, That the Washington state House of Representatives encourage all agencies of state government to recognize the service and benefits that are provided by the Boy Scouts of America and work with Scouting and other youth organizations for the betterment of our communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Gary Locke, Governor of the state of Washington; the Governor's cabinet officers; all state-wide elected officials; the National Boy Scouts of America Office, the Western Region Office of the Boy Scouts of America, and to the Boy Scout Councils serving Washington state.

There being no objection, House Resolution No. 2000-4741 was adopted.

HOUSE RESOLUTION NO. 2000-4751, by Representatives O'Brien, Delvin, Cooper, Schoesler, Cairnes, Edwards, Ballasiotes, Lovick, Conway, Thomas, Radcliff, Wensman, Dunn, D. Schmidt, Barlean and Kagi

WHEREAS, John Turner has distinguished himself by serving as an outstanding law enforcement professional for 29 years in the State of Washington; and

WHEREAS, John Turner was instrumental in the creation of the state's sex offender notification/registration laws, providing a sense of safety and security to citizens throughout the State of Washington; and

WHEREAS, John Turner has dedicated himself to recognizing the needs of youth at risk and "walking his talk" through the creation of Mountlake Terrace's Neutral Zone, the nationally-recognized and duplicated, late-night program for at-risk youth, and legislation which protects volunteers who serve others; and

WHEREAS, John Turner was instrumental in creating the concept of community mobilization in the City of Marysville during his tenure as police chief, which was the model for the Community Mobilization Act granting financial incentives for communities to mobilize in the fight against substance abuse; and

WHEREAS, John Turner helped establish the state's High Intensity Drug Trafficking Area, resulting in federal appropriations to seven counties in the state and the creation of the first Northwest High Intensity Drug Trafficking Area; and

WHEREAS, John Turner was responsible for the establishment of law enforcement professionalization, resulting in the passage of legislation in 1999 that increased the basic police academy training from 440 hours to 720 hours; and

WHEREAS, John Turner has actively supported the community policing philosophy by establishing the City of Mountlake Terrace's Project 365, which, as its hallmark, encouraged community problem solving and partnerships with the police and other city departments, resulting in significant reductions in crime; and

WHEREAS, John Turner has retired from law enforcement to face new challenges as the Executive Director of Western Regional Institute for Community Oriented Public Safety;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the enduring service and steadfast commitment of John Turner to the law enforcement profession and the State of Washington and extend its heartfelt appreciation to John Turner for exceptional service and its best wishes to him in his future professional endeavors; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Mr. John Turner.

There being no objection, House Resolution No. 2000-4751 was adopted.

HOUSE RESOLUTION NO. 2000-4764, by Representatives Miloscia, Lambert, Skinner, Ruderman, Huff, Mitchell, Lantz, Keiser, Sump, Boldt, Dunn, Lovick, Schual-Berke, Clements, McMorris, Thomas, Wensman, Esser, D. Schmidt, Talcott, Parlette and Hankins

WHEREAS, The 2000 Prudential Spirit of Community Award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Paul Gordon, 18, of Redmond and Brett Byrd, 13, of Camas were named Washington's top two youth volunteers for the year 2000 in The Prudential Spirit of Community Awards; and

WHEREAS, Paul Gordon, a senior at Mount Si High School, raised \$24,000 individually, for a total of \$90,000, to help pay for a young boy's liver transplant, has created the Paul Gordon Children's Fund to assist underprivileged children with medical costs, and has become a national spokesperson for the National Transplant Assistance Fund, for which he speaks to others about the importance of organ donation; and

WHEREAS, Brett Byrd, a seventh-grader at Skyridge Middle School, produced concerts featuring his rock and roll band, along with his brother Cameron, to honor his mother's memory, and raised nearly \$70,000 to provide mammograms for women who cannot afford them, and hopes to eventually raise one million dollars to help in the fight against breast cancer; and

WHEREAS, Cameron Byrd, Lindsay O'Neal, Timothy Pilgrim, Jesse Rowe, Wynne Scherf, and Amanda Solano were recognized as Distinguished Finalists for their impressive community service activities; and

WHEREAS, Cameron Byrd, 15, of Camas, a ninth-grader at Skyridge Middle School, raised nearly \$70,000 for breast cancer screenings by performing in a rock and roll band with his brother, Brett; and

WHEREAS, Lindsay O'Neal, 17, of Federal Way, a senior at Federal Way High School, helps organize a weekly breakfast at her church, with funds going to support various church and community programs; and

WHEREAS, Timothy Pilgrim, 17, of Kent, a senior at Kentwood High School, developed and directs a math tutoring program at his school that has assisted 50 students with their studies; and

WHEREAS, Jesse Rowe, 16, of Port Orchard, a sophomore at Explorer Academy, helped create an educational brochure about date violence for the Planned Parenthood Dating Violence Workforce; and

WHEREAS, Wynne Scherf, 18, of Metaline Falls, a member of the WSU/Pend Oreille County 4-H and a senior at Selkirk High School, coordinated a blood, food, and clothing drive to benefit the needy in her community; and

WHEREAS, Amanda Solano, 17, of Selah, a senior at Selah High School, planned and implemented a drug and alcohol awareness presentation that included a mock car crash witnessed by the entire student body; and

WHEREAS, The success of the State of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Paul Gordon, Brett Byrd, Cameron Byrd, Lindsay O'Neal, Timothy Pilgrim, Jesse Rowe, Wynne Scherf, and Amanda Solano, who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate and honor Paul Gordon, Brett Byrd, Cameron Byrd, Lindsay O'Neal, Timothy Pilgrim, Jesse Rowe, Wynne Scherf, and Amanda Solano as recipients of Prudential Spirit of Community Awards, recognize their outstanding records of volunteer service, peer leadership, and community spirit, and extend best wishes for their continued success and happiness; and

BE IT FURTHER RESOLVED, That the Co-Chief Clerks of the House of Representatives immediately transmit copies of this resolution to Paul Gordon, Brett Byrd, Cameron Byrd, Lindsay O'Neal, Timothy Pilgrim, Jesse Rowe, Wynne Scherf, and Amanda Solano.

There being no objection, House Resolution No. 2000-4764 was adopted.

HOUSE RESOLUTION NO. 2000-4765, by Representatives Veloria, Santos, Tokuda, Cody, Thomas, Barlean, Fortunato, Talcott, Kagi and Wensman

WHEREAS, It is the policy of the Washington State Legislature to recognize contributions of groups who reflect the standards of excellence that enhance the well-being and quality of life of the citizens of the State of Washington; and

WHEREAS, It is also the policy of the Washington State Legislature to honor the contribution of such groups; and

WHEREAS, The Filipino Youth Activities created the Khordobah Drill Team in Seattle in 1959 to demonstrate the talent of Washington's Filipino children through the beautiful splendor of their dance and marching routines; and

WHEREAS, The drill team performed in an outstanding manner and earned their first trophy in the Junior Seafair Parade in 1959; and

WHEREAS, The drill team has received several awards in the State of Washington including the Sweepstakes Trophy for the West Seattle Hiyu Parade in 1961 and Olympia Capitol Lakefair Drill Team Competition in 1962; and

WHEREAS, The drill team has performed throughout the United States and in Canada including tours to California, Alaska, Hawaii, the east coast of the United States, and Vancouver, British Columbia; and

WHEREAS, In 1962 the Khordobah Drill Team performed as part of the Honor Guard for President John F. Kennedy; and

WHEREAS, The drill team started a most beautiful ceremonial show, "Incorporation of the Jhabandah," in 1965, which has been a pleasure for viewers throughout the years; and

WHEREAS, The community has recognized the numerous contributions of the Khordobah Drill Team throughout the years by asking the team to perform at the 1989 Goodwill Games in Seattle and awarding the Asian Counseling and Referral Service Community Service Award in 1993;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington congratulate the Khordobah Drill Team on their 40th anniversary and salute the team for their invaluable service to the community and the state through the last forty years.

There being no objection, House Resolution No. 2000-4765 was adopted.

INTRODUCTIONS AND FIRST READING

HB 3147 by Representatives Veloria and Campbell

AN ACT Relating to the Washington state trade representative; amending RCW 43.332.005 and 43.332.010; and adding a new section to chapter 43.332 RCW.

Held on 1st Reading from February 21, 2000.

HB 3148 by Representatives Ericksen, Crouse, Linville and Dunn

AN ACT Relating to sales and use tax exemptions for natural gas-fired energy generating facilities; and amending RCW 82.08.02567 and 82.12.02567.

Referred to Committee on Finance.

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

REPORTS OF STANDING COMMITTEES

February 23, 2000

ESB 5152 Prime Sponsor, Kline: Clarifying who are appointed personnel for the purpose of public employees' collective bargaining. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst and McIntire.

MINORITY recommendation: Do not pass. Signed by Representatives B. Chandler, Republican Vice Chair and McMorris.

Voting yea: Representatives Clements, Conway, Wood, Hurst and McIntire.

Voting nay: Representatives B. Chandler and McMorris.

Excused: Representative Lisk.

Passed to Rules Committee for Second Reading.

February 22, 2000

SSB 5330 Prime Sponsor, Committee on Higher Education: Treating active duty military personnel as residents for purposes of higher education tuition. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.012 and 1999 c 320 s 5 are each amended to read as follows:
Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) A student who is on active military duty stationed in the state or who, within the last year, is discharged or retired from active military duty in the state;

(f) A student who is the spouse or a dependent of a person who is on active military duty stationed in the state;

~~((f))~~ (g) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725; or

~~((g))~~ (h) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139:
PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes

only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. Except for students qualifying under subsection (2)(~~(f)~~) (g) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, or Washington county, Oregon participating in the border county pilot project under RCW 28B.80.806, 28B.80.807, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

Sec. 2. RCW 28B.15.012 and 1997 c 433 s 2 are each amended to read as follows:
Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) A student who is on active military duty stationed in the state or who, within the last year, is discharged or retired from active military duty in the state;

(f) A student who is the spouse or a dependent of a person who is on active military duty stationed in the state;

~~((f))~~ (g) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725; or

~~((g))~~ (h) A student who meets the requirements of RCW 28B.15.0131: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. Except for students qualifying under subsection (2)~~((f))~~ (g) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

Sec. 3. RCW 28B.15.014 and 1997 c 433 s 3 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt the following nonresidents from paying all or a portion of the nonresident tuition fees differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) ~~((Active-duty military personnel stationed in the state of Washington.~~

~~(4))~~ Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

~~((5))~~ (4) Any dependent of a member of the United States congress representing the state of Washington.

NEW SECTION. **Sec. 4.** Section 1 of this act expires June 30, 2002.

NEW SECTION. **Sec. 5.** Section 2 of this act takes effect June 30, 2002."

Correct the title.

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

February 22, 2000

ESSB 5921 Prime Sponsor, Committee on Senate Judiciary: Requiring the disclosure of fire protection and building safety information. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Republican Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Skinner; D. Sommers and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Morris.

Voting yea: Representatives Van Luven, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Skinner, D. Sommers and Wolfe.

Voting nay: Representative Morris.

Excused: Representatives Veloria and Radcliff.

Passed to Rules Committee for Second Reading.

February 22, 2000

2SSB 6004 Prime Sponsor, Committee on Senate Commerce, Trade, Housing & Finance: Certifying the resident managers of mobile home parks. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this chapter is to establish a certification program for managers of mobile home parks.

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

(1) "Advisory council" means the advisory council on mobile home park manager training and certification created in section 7 of this act.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "Mobile home park" has the same meaning as in RCW 59.20.030.

(5) "Mobile home park management" means those actions, functions, or duties related to the management of a mobile home park.

(6) "Mobile home park manager" means a person who performs mobile home park management duties and is required to be certified under this chapter to perform mobile home park management services and includes resident owners of mobile home parks who perform management duties.

NEW SECTION. Sec. 3. (1) A person shall not manage a mobile home park in this state for any mobile home park with more than twenty-five mobile home lots until a certificate of registration certifying him or her as a mobile home park manager has been issued to him or her by the director in accordance with this chapter, except that a person initially employed as a park manager after the effective date of this act may be employed in that capacity for no more than ninety consecutive days following commencement of employment. At the end of that ninety-day period the park manager must have attained certification in accordance with this chapter or immediately cease such employment.

(2) A corporation, partnership, trust, association, sole proprietor, or other like organization may own or operate a mobile home park or engage in the business of mobile home park management without being certified if it employs, retains, or contracts with certified natural persons who are registered mobile home park managers subject to this chapter.

NEW SECTION. Sec. 4. (1) The director shall not issue an initial certificate of registration to any person to act as a mobile home park manager until that person has:

(a) Executed a written application on a form prescribed by the director, subscribed and sworn to by the applicant;

(b) Attended and completed a department-approved training course for mobile home park managers; and

(c) Passed an examination approved by the department which demonstrates that the applicant has a fundamental knowledge of the mobile home landlord-tenant act under chapter 59.20 RCW.

(2) Certificates of registration are effective on the date issued by the department and must be renewed every two years.

(3) A certificate of registration may be renewed annually provided the applicant provides evidence of continuing education as approved by the department. This evidence must be submitted with an application to renew certification. A maximum of eight hours of continuing education biennially may be required by the department for renewal of certification.

(4) As of the effective date of this section, mobile home park managers may present a verification of having successfully completed a training course conducted by a state-wide trade association of mobile home park owners, which will satisfy the initial training requirement for one year and entitle the park manager to certification for that year.

NEW SECTION. Sec. 5. The department shall contract with a state-wide trade association exclusively representing mobile home park owners for the delivery of training courses required by this chapter. Training courses shall be made available within ninety days after the effective date of this act. The trade association may charge a fee for delivery of the training courses. The department, in consultation with the advisory council created under section 7 of this act, shall approve the curriculum of the training program.

NEW SECTION. Sec. 6. (1) The department, in consultation with the advisory council created in section 7 of this act, shall administer, coordinate, and enforce this chapter, develop the examination of applicants, and be responsible for the granting of certificates to qualified persons.

(2) The department is authorized to adopt rules that are necessary to implement, enforce, and interpret this chapter.

NEW SECTION. Sec. 7. (1) There is created an advisory council on mobile home park manager training and certification. The council shall consist of five members as follows: Two members of the council shall be residents of mobile home parks; two members shall be owners of mobile home parks; and one member shall be the director or the director's designee, who shall serve as chair of the council. The resident members of the council shall be selected from nominees submitted

by the mobile home owners of America. The park owner members of the council shall be selected from nominees submitted by the manufacturing housing communities of Washington. The director shall appoint the members for terms of two years.

(2) Members of the council shall serve without compensation but are entitled to receive reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The functions of the advisory council are to:

(a) Review, evaluate, and advise the department concerning revisions and adoption of rules affecting certification of mobile home park managers; and

(b) Develop, review, revise, and approve, in consultation with the department, the program for certification of mobile home park managers.

(4) The advisory council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as are prescribed by rule.

(5) The department shall provide adequate staff support to the advisory council to assist it in fulfilling its duties.

NEW SECTION. **Sec. 8.** A violation of this chapter is a class 1 civil infraction under chapter 7.80 RCW.

NEW SECTION. **Sec. 9.** Sections 3 and 4 of this act take effect January 1, 2001.

NEW SECTION. **Sec. 10.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 11.** The sum of thirty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2001, from the general fund to the department of community, trade, and economic development for the purposes of this act.

NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act constitute a new chapter in Title 18 RCW."

Correct the title.

Signed by Representatives Van Luven, Republican Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Skinner; D. Sommers and Wolfe.

Voting yea: Representatives Van Luven, Dunn, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Skinner, D. Sommers and Wolfe.

Excused: Representatives Veloria, Morris and Radcliff.

Referred to Committee on Appropriations.

February 22, 2000

SB 6010 Prime Sponsor, West: Creating operating fees waivers not supported by state general fund appropriations. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.15 RCW to read as follows:

In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, subject to state board policy, may waive all or a portion of the operating fees for any student. There shall be no state general fund support for waivers granted under this section.

By January 31st of each odd-numbered year, the institutions of higher education shall prepare a report of the costs and benefits of waivers granted under this act and shall transmit copies of their report to the appropriate policy and fiscal committees of the legislature.

Sec. 2. RCW 28B.15.066 and 1995 1st sp.s. c 9 s 3 are each amended to read as follows:

It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall not be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act;

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910. State general fund appropriations shall not be provided for revenue foregone as a result of or for waivers granted under section 1 of this act.

Sec. 3. RCW 28B.15.910 and 1998 c 346 s 904 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsection (3) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue set forth below. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

(a) University of Washington	21 percent
(b) Washington State University	20 percent
(c) Eastern Washington University	11 percent
(d) Central Washington University	8 percent
(e) Western Washington University	10 percent
(f) The Evergreen State College	6 percent
(g) Community colleges as a whole	35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.10.265;
- (b) RCW 28B.15.014;
- (c) RCW 28B.15.100;
- (d) RCW 28B.15.225;
- (e) RCW 28B.15.380;

- (f) RCW 28B.15.520;
- (g) RCW 28B.15.526;
- (h) RCW 28B.15.527;
- (i) RCW 28B.15.543;
- (j) RCW 28B.15.545;
- (k) RCW 28B.15.555;
- (l) RCW 28B.15.556;
- (m) RCW 28B.15.615;
- (n) RCW 28B.15.620;
- (o) RCW 28B.15.628;
- (p) RCW 28B.15.730;
- (q) RCW 28B.15.740;
- (r) RCW 28B.15.750;
- (s) RCW 28B.15.756;
- (t) RCW 28B.50.259;
- (u) RCW 28B.70.050;
- (v) RCW 28B.80.580; and

(w) During the 1997-99 fiscal biennium, the western interstate commission for higher education undergraduate exchange program for students attending Eastern Washington University.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558."

Correct the title.

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

February 22, 2000

SSB 6207 Prime Sponsor, Committee on Human Services & Corrections: Authorizing the secretary of the department of social and health services to adopt rules to carry out the purposes of the sexually violent predator law. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 71.09 RCW to read as follows:

The secretary shall adopt rules under the administrative procedure act, chapter 34.05 RCW, for the oversight and operation of the program established pursuant to this chapter. Such rules shall include provisions for an annual inspection of the special commitment center and requirements for treatment plans and the retention of records.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 23, 2000

SB 6237 Prime Sponsor, Fairley: Modifying who may deduct processing fees for certain payroll deductions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, McIntire and McMorris.

Excused: Representative Lisk.

Passed to Rules Committee for Second Reading.

February 22, 2000

SSB 6294 Prime Sponsor, Committee on Senate Natural Resources, Parks & Recreation: Creating the aquatic nuisance species committee. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

On page 2, line 11, after "(b)" strike everything down to and including "an" on line 12 and insert "Make recommendations to the legislature on statutory provisions for classifying and regulating"

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Rockefeller and Stensen.

Excused: Representative Pennington.

Passed to Rules Committee for Second Reading.

February 22, 2000

SB 6307 Prime Sponsor, Morton: Changing provisions relating to county roads that cross county boundaries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Murray, Ogden, Pflug, Romero, Schindler, Scott, Wood and Woods.

Excused: Representatives Morris, Radcliff, Schual-Berke and Skinner.

Passed to Rules Committee for Second Reading.

February 22, 2000

SSB 6621 Prime Sponsor, Committee on Human Services & Corrections: Creating a task force to study the interstate compact for adult offender supervision. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

On page 2, line 17, after "attorney" insert "jointly"

On page 2, line 18, after "association" insert "and the Washington association of criminal defense lawyers"

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 23, 2000

SB 6642 Prime Sponsor, Benton: Preventing a registered sex offender from holding a real estate appraiser license or certificate. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, McIntire and McMorris.

Excused: Representative Lisk.

Passed to Rules Committee for Second Reading.

February 22, 2000

SSB 6663 Prime Sponsor, Committee on Senate Commerce, Trade, Housing & Finance: Preserving federally assisted housing and minimizing the involuntary displacement of tenants residing in such housing. Reported by Committee on Economic Development, Housing & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.28.020 and 1989 c 188 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Federally assisted housing" means any multifamily housing that is insured, financed, assisted, or held by the secretary of housing and urban development or the secretary of agriculture under:

(a) Section 8 of the United States housing act of 1937, as amended (42 U.S.C. Sec. 1437f);

(b) Section 101 of the housing and urban development act of 1965, as amended (12 U.S.C. Sec. 1701s);

(c) The following sections of the national housing act:

(i) Section 202 (12 U.S.C. Sec. 1701q);

(ii) Section 213 (12 U.S.C. Sec. 1715e);

(iii) Section 221(d) (3) and (4) (12 U.S.C. Sec. 17151(d) (3) and (4));

(iv) Section 223(f) (12 U.S.C. Sec. 1715n(f));

(v) Section 231 (12 U.S.C. Sec. 1715v); or

(vi) Section 236 (12 U.S.C. Sec. 1715z-1); and

(d) The following sections of the housing act of 1949, as amended:

(i) Section 514 (42 U.S.C. Sec. 1484);

(ii) Section 515 (42 U.S.C. Sec. 1485);

(iii) Section 516 (42 U.S.C. Sec. 1486);

(iv) Section 521(a)(1)(B) (42 U.S.C. Sec. 1490a(a)(1)); or

(v) Section 521(a)(2) (42 U.S.C. Sec. 1490a(a)(2)).

(2) "Rental agreement" means any agreement that establishes or modifies the terms, conditions, rules, regulations, or any other provision concerning the use and occupancy of a federally assisted housing unit.

(3) "Owner" means the current or subsequent owner or owners of federally assisted housing.

(4) "Low-income use restrictions" means any federal, state, or local statute, rule, regulation, ordinance, or contract which, as a condition of receipt of any federal, state, or local financial assistance, establishes maximum limitations on tenant income as a condition of eligibility for occupancy of the units within a development, imposes any restrictions on the maximum rents that could be charged for any of the units within a development, or requires that rent for any of the units within a development be reviewed by any governmental body or agency before the rents are implemented.

(5) "Prepayment" means the payment in full or refinancing of the federally insured or federally held mortgage or loan prior to its original maturity date, or the voluntary cancellation of mortgage insurance, if that would have the effect of terminating any low-income use restrictions.

(6) "Public housing agency" means any state or local agency or nonprofit entity that is authorized to administer tenant-based rental assistance under federal, state, or local law.

Sec. 2. RCW 59.28.030 and 1989 c 188 s 3 are each amended to read as follows:

(1) This chapter shall not apply to the expiration or termination of a housing assistance contract between a public housing agency and an owner of existing housing participating in either the section 8 certificate or voucher program (42 U.S.C. Sec. 1437f).

(2) An owner of federally assisted housing shall not be required to give notice of a prepayment under this chapter, if the owner has: (a) Entered into an agreement with a federal, state, or local agency continuing existing, or imposing new, low-income use restrictions for at least twenty years that ensure that the tenants residing in the development at the time of prepayment are not involuntarily

displaced except for good cause and that the housing will continue to serve very low and low-income families and persons in need of affordable housing; and (b) served notice of the agreement on the clerk of the city, or county if in an unincorporated area, in which the property is located, on any public housing agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from this housing, and on the department of community, trade, and economic development by regular and certified mail and posted a copy of the agreement in a conspicuous place at the development where it is likely to be seen by the tenants. The posted agreement shall be maintained intact and in legible form for the life of the agreement.

(3) An owner of federally assisted housing is not required to give notice that a rental assistance contract is expiring if: (a) The owner has entered into an agreement with the United States department of housing and urban development or other federal, state, or local agency to renew the rental assistance contract for a minimum of five years subject to the availability of adequate appropriations; (b) the agreement itself does not expire in less than twelve months; and (c) the owner has served written notice of the agreement on the clerk of the city, or county if in an unincorporated area, in which the property is located, on any public housing agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from this housing, and on the department of community, trade, and economic development, by regular and certified mail and posted these notices in a conspicuous place at the development where they are likely to be seen by the tenants. The posted notices shall be maintained intact and in legible form for the life of the agreement to renew the rental assistance contract.

Sec. 3. RCW 59.28.040 and 1995 c 399 s 160 are each amended to read as follows:

Except as provided in RCW 59.28.030, all owners of federally assisted housing shall, at least twelve months before the expiration of the rental assistance contract or prepayment of a mortgage or loan, serve a written notice of the anticipated expiration or prepayment date on each tenant household residing in the housing, on the clerk of the city, or county if in an unincorporated area, in which the property is located, on any public housing agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from this housing, and on the department of community, trade, and economic development, by regular and certified mail. All owners of federally assisted housing shall also serve written notice of the anticipated expiration or prepayment date on each tenant household that moves into the housing after the initial notice has been given, but before the expiration of the rental assistance contract or prepayment of the mortgage or loan. This notice shall be given before a new tenant is asked to execute a rental agreement or required to pay any deposits.

Sec. 4. RCW 59.28.060 and 1995 c 399 s 162 are each amended to read as follows:

(1) The notice to tenants required by RCW 59.28.040 shall state (~~the date of expiration or prepayment and the effect, if any, that the expiration or prepayment will have upon the tenants' rent and other terms of their rental agreement.~~):

(a) Whether the owner (i) intends to prepay the mortgage or loan or allow the rental assistance contract to expire in order to operate the housing without any low-income use restrictions, (ii) plans on renewing the rental assistance contract subject to the availability of adequate appropriations, or (iii) is seeking additional financial incentives or higher rents as a condition of remaining in the federal program; (b) the reason the owner plans on taking this action; (c) the owner's plans for the project, including any timetables or deadlines for actions to be taken by the owner and any specific federal, state, or local agency approvals that the owner is required to obtain; (d) the anticipated date of the prepayment of the mortgage or loan or expiration of the rental assistance contract; (e) the effect, if any, that prepayment of the mortgage or loan or expiration of the rental assistance contract will have upon the tenants' rent and other terms of their rental agreement; and (f) that additional information will be served on the city or county, on the local public housing agency, and on the department of community, trade, and economic development and will be posted at the development. The owner shall also include with the notice written information, prepared by the department of community, trade, and economic development under section 7(1) of this act, concerning the legal rights, responsibilities, and options of

owners and tenants when an owner intends to prepay a mortgage or loan or terminate a rental assistance contract.

(2) The notice to the city or county clerk and to the department of community, trade, and economic development required by RCW 59.28.040 shall state: ~~((1))~~ (a) The name, location, and project number of the federally assisted housing and the type of assistance received from the federal government; ~~((2))~~ (b) the number and size of units; ~~((3))~~ (c) the age, race, family size, and estimated incomes of the tenants who will be affected by the prepayment of the loan or mortgage or expiration of the federal assistance contract; ~~((4) the)~~ (d) the current rents and projected rent increases for each affected tenant ~~(; and (5) the anticipated date of prepayment of the loan or mortgage or expiration of the federal assistance contract.)~~ after the prepayment of the mortgage or loan or expiration of the rental assistance contract without disclosing the identities of the affected tenants; (e) the availability and type, if any, of rental assistance after the prepayment of the mortgage or loan or expiration of the rental assistance contract; and (f) the age, race, family size, and estimated incomes of any applicants on the project's waiting list without disclosing the identities of the applicants. The owner shall attach to this notice a copy of the notice the owner sends to the tenants under this chapter.

(3) All owners of federally assisted housing shall immediately post a copy of any notices they send the city or county clerk, any public housing agency, and the department of community, trade, and economic development, under RCW 59.28.040, in a conspicuous place at the development where they are likely to be seen by current and prospective tenants. The notices shall be maintained intact and in legible form for twelve months from the date they are posted.

All owners of federally assisted housing shall, upon request of any state or local agency, provide the agency with a copy of any rent comparability study, market analysis, or projected budget that they submit to the United States department of housing and urban development or other federal agency in conjunction with the prepayment of their mortgage or loan or in anticipation of the expiration of their rental assistance contract, together with any physical inspection reports or capital needs assessments completed by the owner or federal agency within the last three years.

Sec. 5. RCW 59.28.080 and 1989 c 188 s 8 are each amended to read as follows:

From the date of service of the notice under RCW 59.28.040 until either twelve months have elapsed or expiration or prepayment of the rental assistance contract, mortgage, or loan, whichever is later, no owner of federally assisted housing may increase the rent of a federally assisted housing unit, or the share of the rent paid by the tenant, above the amount authorized by the federal assistance program applicable to the project prior to expiration or prepayment of the rental assistance contract or mortgage or loan.

Sec. 6. RCW 59.28.100 and 1989 c 188 s 10 are each amended to read as follows:

Any party who is entitled to receive notice under this chapter may bring a civil action to enjoin or recover actual damages for any violation of this chapter, together with the costs of the suit including reasonable attorneys' fees. Any tenant who is entitled to receive notice under this chapter shall also recover statutory damages of fifty dollars.

NEW SECTION. **Sec. 7.** A new section is added to chapter 59.28 RCW to read as follows:

The department of community, trade, and economic development shall within ninety days after the effective date of this act, consult with all interested stakeholders and develop and provide to owners and tenants of federally assisted housing, state and local agencies, and other interested persons all of the following:

(1) Written information concerning the legal rights, responsibilities, and options of owners and tenants when an owner intends to prepay a mortgage or loan or terminate a rental assistance contract. This information shall include the name and telephone number of any qualified legal aid program that provides civil legal services to indigent persons and of any other state, regional, or local organization that can be contacted to request additional information about an owner's responsibilities and the rights and options of an affected tenant;

(2) Written information sufficient to enable an owner of federally assisted housing to comply with the notification requirements of this chapter, including the name and address of any public housing

agency that would be responsible for administering tenant-based rental assistance to persons who would otherwise be displaced from federally assisted housing; and

(3) Any other information or technical assistance the department determines will further the purposes of this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 59.28 RCW to read as follows:

An owner of federally assisted housing who prepays the mortgage or loan or whose rental assistance contract expires and who continues to operate the property as residential housing within the scope of this chapter shall not evict a tenant residing in the dwelling unit when the mortgage or loan is prepaid or the rental assistance contract expires, except as authorized by the federal assistance program applicable to the project prior to prepayment of the mortgage or loan, or expiration of the rental assistance contract.

Sec. 9. RCW 43.185A.010 and 1995 c 399 s 102 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing for rental (~~(or private individual ownership))~~ occupancy which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income. The department shall adopt policies for residential homeownership housing, occupied by low-income households, which specify the percentage of family income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(5) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Van Luven, Republican Co-Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Gombosky; Miloscia; Skinner; D. Sommers and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Dunn, Republican Vice Chair.

Voting yea: Representatives Van Luven, Eickmeyer, Ballasiotes, Gombosky, Miloscia, Skinner, D. Sommers and Wolfe.

Voting nay: Representative Dunn.

Excused: Representatives Veloria, Morris and Radcliff.

Passed to Rules Committee for Second Reading.

February 22, 2000

SB 6667 Prime Sponsor, Haugen: Exempting certain commercial vehicles from replacing license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Murray, Ogden, Pflug, Romero, Schindler, Scott, Wood and Woods.

Excused: Representatives Morris, Radcliff, Schual-Berke and Skinner.

Passed to Rules Committee for Second Reading.

February 22, 2000

SSB 6720 Prime Sponsor, Committee on Senate Agriculture & Rural Economic Development: Modifying the Washington state beef commission. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Schoesler; Stensen; Sump and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Koster, Republican Vice Chair.

Voting yea: Representatives G. Chandler, Linville, Cooper, Anderson, B. Chandler, Delvin, Fortunato, Grant, Schoesler, Stensen, Sump and Wood.

Voting nay: Representative Koster.

Excused: Representative Reardon.

Referred to Committee on Appropriations.

February 22, 2000

SB 6775 Prime Sponsor, Patterson: Simplifying public disclosure report filing and distributions. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 6, beginning on line 13, strike all of section 4 and insert the following:

"**Sec. 4.** RCW 42.17.3691 and 1999 c 401 s 12 are each amended to read as follows:

(1) Beginning January 1, ~~((2001))~~ 2002, each ~~((continuing))~~ candidate or political committee~~((s))~~ that expended ~~((ten))~~ twenty-five thousand dollars or more in the preceding year or expects to expend ~~((ten))~~ twenty-five thousand dollars or more ~~((in expenditures))~~ in the current year~~((s))~~ shall file all contribution reports and expenditure reports required by this chapter ~~((electronically by diskette or via modem, satellite, or the Internet))~~ by the electronic alternative provided by the commission under RCW 42.17.369. HOWEVER, the commission may make

exceptions on a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports using the electronic alternative provided by the commission.

(2) Beginning January 1, 2004, each candidate or political committee that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in the current year shall file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission under RCW 42.17.369. HOWEVER, the commission may make exceptions on a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports using the electronic alternative provided by the commission.

(3) Failure by a (~~continuing~~) candidate or political committee to comply with this section is a violation of this chapter."

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 22, 2000

2SSB 6811 Prime Sponsor, Committee on Ways & Means: Providing for sick leave and leave sharing for part-time academic employees at community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.50 RCW to read as follows:

(1) Part-time academic employees of community and technical colleges shall receive sick leave to be used for the same illnesses, injuries, bereavement, and emergencies as full-time academic employees at the college in proportion to the individual's teaching commitment at the college.

(2) The provisions of RCW 41.04.665 shall apply to leave sharing for part-time academic employees who accrue sick leave under subsection (1) of this section.

(3) The provisions of RCW 28B.50.553 shall apply to remuneration for unused sick leave for part-time academic employees who accrue sick leave under subsection (1) of this section.

Sec. 2. RCW 28B.50.489 and 1996 c 120 s 1 are each amended to read as follows:

For the purposes of determining eligibility of state-mandated insurance (~~and~~)₂ retirement benefits under RCW 28B.10.400, and sick leave for part-time academic employees in community and technical colleges, the following definitions shall be used:

(1) "Full-time academic workload" means the number of in-class teaching hours that a full-time instructor must teach to fulfill his or her employment obligations in a given discipline in a given college. If full-time academic workload is defined in a contract adopted through the collective bargaining process, that definition shall prevail. If the full-time workload bargained in a contract includes more than in-class teaching hours, only that portion that is in-class teaching hours may be considered academic workload.

(2) "In-class teaching hours" means contact classroom and lab hours in which full or part-time academic employees are performing contractually assigned teaching duties. The in-class teaching hours shall not include any duties performed in support of, or in addition to, those contractually assigned in-class teaching hours.

(3) "Academic employee" in a community or technical college means any teacher, counselor, librarian, or department head who is employed by a college district, whether full or part-time, with the exception of the chief administrative officer of, and any administrator in, each college district.

(4) "Part-time academic workload" means any percentage of a full-time academic workload for which the part-time academic employee is not paid on the full-time academic salary schedule.

Sec. 3. RCW 28B.50.551 and 1995 c 119 s 1 are each amended to read as follows:

The board of trustees of each college district shall adopt for each community and technical college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences; professional leaves for personnel consistent with the provisions of RCW 28B.10.650; leaves for illness, injury, bereavement, and emergencies, consistent with section 1 of this act, and except as otherwise in this section provided, all with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, not more than twelve days per year, commencing with the first day on which work is to be performed; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(2)(a) Such leave entitlement may be accumulated after the first three-quarter period of employment for full-time employees, and may be taken at any time;

(b) For part-time academic employees, such leave entitlement may be accumulated after the first quarter of employment by a college district or the first quarter after the effective date of this section, whichever is later, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by college districts and community and technical colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by college districts or community and technical colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies shall be transferred from one college district to another or between a college district and the following: Any state agency, any educational service district, any school district, or any other institution of higher education as defined in RCW 28B.10.016;

(6) Leave accumulated by a person in a college district or community and technical college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he or she returns to the employment of that district or college; and

(7) Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.52 RCW to read as follows:

With respect to the community and technical colleges part-time academic employees, the permissible scope of collective bargaining under this chapter shall be governed by section 1 of this act and RCW 28B.50.489.

NEW SECTION. **Sec. 5.** Nothing contained in this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement."

Correct the title.

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

February 22, 2000

SSJM 8017 Prime Sponsor, Committee on Senate Environmental Quality & Water Resources:
Requesting federal assistance in ensuring pipeline safety. Reported by Committee on
Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Schoesler, Stensen, Sump and Wood.
Excused: Representative Reardon.

Passed to Rules Committee for Second Reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., Friday, February 25, 2000, the 47th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FORTY SIXTH DAY, FEBRUARY 24, 2000

JOURNAL OF THE HOUSE

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

FORTY SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 25, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Holly Hollenbeck and Adrian Pike. Prayer was offered by Deacon John Ricciardi, St. Nicholas Roman Catholic Church, Gig Harbor.

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

RESOLUTION

HOUSE RESOLUTION NO. 2000-4767, by Representatives DeBolt, Alexander, Dunn and Hatfield

WHEREAS, Centralia College is the state's oldest community college, having been in continuous operation since 1925; and

WHEREAS, Centralia College survived economic struggles during the Great Depression and a low enrollment crisis during World War II; and

WHEREAS, More than 130,000 students have taken advantage of Centralia College through its long history, with roughly 4,000 students enrolled each year; and

WHEREAS, Centralia College maintains one of the highest ratios of student-to-service district population among two-year colleges in Washington state and offers educational centers in outlying areas to serve students who might otherwise be denied access to higher education and training opportunities; and

WHEREAS, Centralia College has an outstanding faculty with 20 Exceptional Faculty Award winners, a Washington State Professor of the Year, and numerous other state and nationally recognized staff; and

WHEREAS, Centralia College provides an excellent educational environment with academics, intramural activities, intercollegiate athletics, stimulating student speakers and entertainment packages, and other activities to enhance student life on campus;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate the administration, faculty, and students of Centralia College as they celebrate the college's 75th year of continuous operation; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Centralia College President Dr. Hank Kirk and to the Centralia College Board of Trustees.

Representative Alexander moved adoption of the resolution.

Representatives Alexander, Pennington, Kenney, Carlson, DeBolt and Parlette spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4767 was adopted.

The Speaker (Representative Ogden presiding) introduced Dr. Hank Kurt, President of Centralia Community College.

REPORTS OF STANDING COMMITTEES

February 25, 2000

ESSB 5001 Prime Sponsor, Committee on Senate Natural Resources, Parks & Recreation: Authorizing hunting of cougar with the aid of dogs. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 77.12.240 (~~and 77.12.265~~), 77.36.020, 77.36.030, or any other provisions of law, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW 77.12.240, 77.36.020, 77.36.030, or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director (~~under RCW 77.12.265~~).

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit, capture and relocation, or removal of black bear, cougar, bobcat, or lynx for scientific purposes.

(3) Notwithstanding subsections (1) and (2) of this section, the commission shall authorize the use of dogs only in selected areas within a game management unit to address a specific cougar population or public safety need. This authority may only be exercised after the commission has determined that no other practical alternative to the use of dogs exists, and after the commission has adopted rules describing the conditions in which dogs may be used. Conditions that may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock and cougar/pet depredations, and the number of cougar capture attempts and relocations.

(4) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and a hunting license shall not be issued for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen and Pennington.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Rockefeller and Stensen.

Voting yea: Representatives Buck, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen and Pennington.

Voting nay: Representatives Regala, Anderson, Rockefeller and Stensen.

Passed to Rules Committee for Second Reading.

February 25, 2000

ESSB 5074 Prime Sponsor, Committee on Senate Judiciary: Establishing the crime of mail theft or receipt of stolen mail. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorized depository" means a mailbox, post office box, or rural box used by postal customers to deposit outgoing mail or used by the postal service to deliver incoming mail.

(2) "Letter box" means a receptacle that is used for a specific address intended or used for the receipt or delivery of mail on a mail route.

(3)(a) "Mail" means a letter, card, parcel, or other material that:

(i) Is sent or delivered by means of the postal service;

(ii) Has postage affixed by the postal customer or postal service; and

(iii) Is placed in an authorized depository or mail receptacle.

(b) "Mail" includes articles contained in mail.

(4) "Mail receptacle" means a place used by the postal service or postal customers to place outgoing mail or receive incoming mail.

(5) "Postage" means a postal service stamp, permit imprint, meter strip, or other authorized indication of prepayment for service provided by the postal service for collection and delivery of mail.

(6) "Postal service" means the United States postal service.

(7) The phrase "of another" does not include persons with whom the defendant has a familial, parental, spousal, employment, or other relationship that would otherwise reasonably allow the defendant to take, dispose of, or otherwise intercept the person's mail.

NEW SECTION. **Sec. 2.** (1) A person commits the crime of obstruction of mail if the person intentionally obstructs or unreasonably delays:

- (a) The passage of the mail; or
 - (b) A carrier or conveyance carrying the mail.
- (2) Obstruction of mail is a gross misdemeanor.

NEW SECTION. **Sec. 3.** (1) A person commits the crime of destruction of letter boxes if the person knowingly and maliciously:

- (a) Tears down or destroys a letter box belonging to another; or
 - (b) Breaks open a letter box belonging to another.
- (2) Destruction of letter boxes is a gross misdemeanor.

NEW SECTION. **Sec. 4.** (1) A person commits the crime of destruction of mail if the person knowingly and maliciously injures, destroys, or defaces mail of another that has been deposited in an authorized depository.

- (2) Destruction of mail is a class C felony.

NEW SECTION. **Sec. 5.** (1) A person commits the crime of mail theft or receipt of stolen mail if the person knowingly:

(a) Takes, or by fraud or deception, obtains mail of another from a mail receptacle, authorized depository, or mail carrier;

(b) Secretes, embezzles, or destroys mail of another;

(c) Takes, or by fraud or deception, obtains mail of another that has been left for collection on or adjacent to an authorized depository or mail receptacle; or

(d) Buys, receives, conceals, or unlawfully possesses mail of another knowing that the mail was taken, obtained, or embezzled as described in this subsection.

- (2) Mail theft or receipt of stolen mail is a class C felony.

NEW SECTION. **Sec. 6.** In a prosecution under this chapter, it is a defense that the defendant acted under an honest claim of right in that:

(1) The defendant was unaware that the property was that of another person;

(2) The defendant reasonably believed that the defendant was entitled to the property involved or had a right to acquire or dispose of it as the defendant did; or

(3) The property involved was that of the defendant's minor child or spouse, unless the parties were not living together as husband and wife and were residing in, and intended to continually reside in, separate abodes at the time of the alleged offense.

NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 9A RCW.

Sec. 8. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))

- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)

- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)

- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))
 - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW (~~88.12.029~~) 79A.60.050)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Malicious placement of an explosive 2 (RCW 70.74.270(2))
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Robbery 1 (RCW 9A.56.200)
 - Sexual Exploitation (RCW 9.68A.040)
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

- VIII Arson 1 (RCW 9A.48.020)
 - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW (~~88.12.029~~) 79A.60.050)
 - Manslaughter 2 (RCW 9A.32.070)
 - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)
Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)
Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety of others (RCW ~~((88.12.029))~~ 79A.60.050)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Introducing Contraband 1 (RCW 9A.76.140)
Involving a minor in drug dealing (RCW 69.50.401(f))
Malicious placement of an explosive 3 (RCW 70.74.270(3))
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
On and after July 1, 2000: No-Contact Order Violation:
Domestic Violence Pretrial Condition (RCW
10.99.040(4) (b) and (c))
On and after July 1, 2000: No-Contact Order Violation:
Domestic Violence Sentence Condition (RCW
10.99.050(2))
On and after July 1, 2000: Protection Order Violation:
Domestic Violence Civil Action (RCW 26.50.110 (4)
and (5))
On and after July 1, 2000: Stalking (RCW 9A.46.110)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)

IV Arson 2 (RCW 9A.48.030)
Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW ((~~88.12.032~~)) 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW
9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury Accident (RCW 46.52.020(4))
Hit and Run with Vessel--Injury Accident (RCW
((~~88.12.155(3)~~)) 79A.060.200(3))
Indecent Exposure to Person Under Age Fourteen (subsequent
sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW
9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics
from Schedule III, IV, or V or nonnarcotics from
Schedule I-V (except marijuana, amphetamine,
methamphetamines, or flunitrazepam) (RCW
69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1)
and (2))
Vehicular Assault (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Mail Theft or Receipt of Stolen Mail (section 5 of this act)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

Destruction of Mail (section 4 of this act)

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission (RCW 9A.56.070)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 9. RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes
Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045)	C+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

Burglary and Trespass

B+	Burglary 1 (9A.52.020)	C+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E

Drugs

E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E

B Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii)) B

C Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v)) C

C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d)) C

C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c)) C

Firearms and Weapons

B Theft of Firearm (9A.56.300) C

B Possession of Stolen Firearm (9A.56.310) C

E Carrying Loaded Pistol Without Permit (9.41.050) E

C Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii)) C

D+ Possession of Dangerous Weapon (9.41.250) E

D Intimidating Another Person by use of Weapon (9.41.270) E

Homicide

A+ Murder 1 (9A.32.030) A

A+ Murder 2 (9A.32.050) B+

B+ Manslaughter 1 (9A.32.060) C+

C+ Manslaughter 2 (9A.32.070) D+

B+ Vehicular Homicide (46.61.520) C+

Kidnapping

A Kidnap 1 (9A.40.020) B+

B+ Kidnap 2 (9A.40.030) C+

C+ Unlawful Imprisonment (9A.40.040) D+

Obstructing Governmental Operation

D Obstructing a Law Enforcement Officer (9A.76.020) E

E Resisting Arrest (9A.76.040) E

B Introducing Contraband 1 (9A.76.140) C

C Introducing Contraband 2 (9A.76.150) D

E Introducing Contraband 3 (9A.76.160) E

B+ Intimidating a Public Servant (9A.76.180) C+

B+ Intimidating a Witness (9A.72.110) C+

Public Disturbance

C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E

Sex Crimes

A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B+	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim < 14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
A-	Child Molestation 1 (9A.44.083)	B+
B	Child Molestation 2 (9A.44.086)	C+

Theft, Robbery, Extortion, and Forgery

B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
<u>C</u>	<u>Mail Theft or Receipt of Stolen Mail</u> (section 5 of this act)	<u>D</u>
<u>D</u>	<u>Destruction of Mail (section 4 of this act)</u>	<u>E</u>
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D

D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
Motor Vehicle Related Crimes		
E	Driving Without a License (46.20.005)	E
C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
Other		
B	Bomb Threat (9.61.160)	C
C	Escape 1 ¹ (9A.76.110)	C
C	Escape 2 ¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 |52-65 |80-100 |103-129
WEEKS |WEEKS |WEEKS |WEEKS
EXCEPT |||
30-40 |||
WEEKS FOR |||
15-17 |||
YEAR OLDS |||

Current B+ 15-36 |52-65 |80-100 |103-129

Offense WEEKS |WEEKS |WEEKS |WEEKS

Category

B LOCAL | |52-65
SANCTIONS (LS) |15-36 WEEKS |WEEKS

C+ LS |
|15-36 WEEKS

C LS |15-36 WEEKS
Local Sanctions: |
0 to 30 Days

D+ LS 0 to 12 Months Community Supervision
0 to 150 Hours Community Service

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more
PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as ¼ point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B
CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(~~(5)~~) (4) and 13.40.165.

OR

OPTION C
MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2)."

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 24, 2000

E2SSB 5212 Prime Sponsor, Committee on Senate Education: Providing for school safety plans.
Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 4, line 30, after "plan:" strike "and"
on page 4, line 32, after "plan" insert "; and"
(k) Include procedures for notifying parents and community members about the plan"

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representative Thomas.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen and Wensman.
Voting nay: Representative Thomas.

Referred to Committee on Appropriations.

February 25, 2000

SSB 5366 Prime Sponsor, Committee on Senate State & Local Government: Changing scoring criteria for veterans' employment examinations. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representative Romero, Democratic Co-Chair.

Voting yea: Representatives McMorris, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Voting nay: Representative Romero.

Passed to Rules Committee for Second Reading.

February 24, 2000

SSB 5518 Prime Sponsor, Committee on Senate Natural Resources, Parks & Recreation: Establishing a youth athletic facility account to help fund community outdoor athletic facilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 3, line 3, after "improving" strike "youth or" and insert "~~((youth or))~~"

On page 3, beginning on line 29, strike all of section 3

Correct the title.

Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 23, 2000

SB 5570 Prime Sponsor, Senator Costa: Expanding the definition of vehicular assault. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 25, 2000

SSB 5590 Prime Sponsor, Committee on Senate Health & Long-Term Care: Expanding the health professionals who may request administration of oral medication at school. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

February 23, 2000

E3SSB 5598 Prime Sponsor, Committee on Senate Higher Education: Creating the Washington's promise scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to strengthen the link between postsecondary education and K-12 education by creating the Washington's promise scholarship program for academically successful high school graduates from low and middle-income families. The legislature finds that, increasingly, an individual's economic viability is contingent on postsecondary educational opportunities, yet the state's full financial obligation is eliminated after the twelfth grade. Students who work hard in kindergarten through twelfth grade and successfully complete high school with high academic marks may not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient.

NEW SECTION. Sec. 2. The higher education coordinating board shall design the Washington's promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students who graduate from high school or its equivalent and who meet both academic and financial eligibility criteria.

(a) Before the K-12 certificate of mastery is required, academic eligibility criteria shall be as follows:

(i) Students graduating from public and approved private high schools under chapter 28A.195 RCW in 2001 and 2002 must be in the top fifteen percent of their graduating class;

(ii) Beginning with the graduating class of 2003, students graduating from public and approved private high schools under chapter 28A.195 RCW must pass all components of the Washington assessment of student learning on their first attempt when they take it in the tenth grade or be in the top fifteen percent of their graduating class; and

(iii) Students participating in home-based instruction as provided in chapter 28A.200 RCW must pass all components of the Washington assessment of student learning on their first attempt when they take it in the tenth grade and the cost of taking the Washington assessment of student learning shall be ancillary services borne by the school districts in which the students reside.

(b) For students attending private schools approved under chapter 28A.195 RCW, the cost of the Washington assessment of student learning shall be ancillary services borne by the school districts in which the students reside. If a significant number of students who attend the same school wish to take the Washington assessment of student learning, a contractor may provide the assessments at the private school and may have the private school administer the assessments. If the assessments are provided at the private school, the superintendent of public instruction shall pay the assessment

contractor the cost of the test itself, including processing the test to determine the results, for each student taking the assessment under (a) of this subsection. The superintendent shall not pay for any costs the private school may incur in administering the assessments at the private school, such as staff or administrative costs.

(c) After the K-12 certificate of mastery is required, students graduating from public and approved private high schools under chapter 28A.195 RCW, and participants in home-based instruction as provided in chapter 28A.200 RCW are academically eligible if they pass all parts of the certificate of mastery on their first attempt in the tenth grade.

(d) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size as determined at the time of academic eligibility as determined in (a) or (b) of this subsection, except as otherwise determined in subsection (2) of this section.

(2) Promise scholarships are not intended to supplant any scholarship or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) The amount of promise scholarships shall not exceed the equivalent of two years' worth of tuition at the resident, full-time, community college tuition rate. Awards for the second year of the scholarship shall be made only to students who successfully complete their first year of postsecondary education. In determining the amount of scholarships, the board shall give the highest priority to awarding scholarships to the maximum number of potential eligible recipients.

(4) By October 15th of each year, beginning in 2001, the board shall determine the amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships must be used within six years of being awarded.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

NEW SECTION. Sec. 3. (1) The higher education coordinating board, with the assistance of the institutions of higher education and the office of the superintendent of public instruction, shall evaluate the impact and the effectiveness of the Washington's promise scholarship program. The evaluation shall include, but not be limited to: (a) An analysis of what other financial assistance promise scholarship recipients are receiving through other federal, state, and institutional programs, including grants, work study, tuition waivers, tax credits, and loan programs; (b) an analysis of whether the implementation of the promise scholarship has had an impact on student indebtedness; (c) an evaluation of what types of students are successfully completing high school but do not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient; and (d) an analysis of the costs of administering the Washington assessment of student learning to students receiving home-based instruction or attending private high schools approved under chapter 28A.195 RCW. By November 1, 2001, the board shall report its findings and make recommendations to the governor and the legislature.

(2) This section expires December 31, 2001.

NEW SECTION. Sec. 4. The higher education coordinating board, with the assistance of the office of the superintendent of public instruction, shall implement and administer the Washington's promise scholarship program described in section 2 of this act as follows:

(1) The first scholarships shall be awarded to eligible students enrolling in postsecondary education in academic year 2001-02.

(2) The office of the superintendent of public instruction shall provide the information to the higher education coordinating board that is necessary for implementation of the program.

(a) For students graduating from high school in the top fifteen percent of their class, the office of the superintendent of public instruction shall provide the higher education coordinating board with

student names, addresses, birth dates, and unique numeric identifiers as determined by each respective high school at the completion of the first term of the senior year including the names, addresses, and birth dates of other eligible students who have met the requirements described in section 2 of this act.

(b) Beginning with the 2000-01 school year, the office of the superintendent of public instruction shall provide the names, addresses, birth dates, and unique numeric identifiers of tenth grade students who pass all components of the Washington assessment of student learning on their first attempt including the names, addresses, and birth dates of other eligible students who have met the requirements described in section 2 of this act to the higher education coordinating board to assist the higher education coordinating board in awarding scholarships. This shall be done by October 1st of each year following the receipt of assessment scores.

(c) All student data should be considered confidential and used solely for the purposes of providing scholarships to eligible students.

(3) The higher education coordinating board may adopt rules to implement this chapter.

NEW SECTION. Sec. 5. The Washington's promise scholarship program shall not be funded at the expense of the state need grant program as defined in RCW 28B.10.800 through 28B.10.824. In administering the state need grant and promise scholarship programs, the higher education coordinating board shall first ensure that eligibility for state need grant recipients is at least sixty-five percent of state median family income.

NEW SECTION. Sec. 6. (1) The Washington's promise scholarship account is created in the custody of the state treasurer. The account shall be a nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2) The higher education coordinating board shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the Washington's promise scholarship program, private contributions to the program, and refunds of Washington's promise scholarships.

(3) Expenditures from the account shall be used for scholarships to eligible students.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the higher education coordinating board.

Sec. 7. RCW 43.79A.040 and 1999 c 384 s 8 and 1999 c 182 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington's promise scholarship account, the Washington advanced college tuition payment program account, the

agricultural local fund, the American Indian scholarship endowment fund, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility grant account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 8.** Sections 1, 2, and 4 through 6 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

February 25, 2000

SSB 5607 Prime Sponsor, Committee on Senate Health & Long-Term Care: Permitting retired and disabled employees to obtain health insurance. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of this act to provide retirees of local government employers access to health care benefits. It is also the intent of this act that local government employers be allowed the flexibility to design programs to meet the health care needs of their retirees and that the local government employer be able to recover all costs associated with providing retirees access to health benefits.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.04 RCW to read as follows:
(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Disabled employee" means an individual eligible to receive a disability retirement allowance from the public employees' retirement system.

(b) "Health plan" means a contract, policy, fund, trust, or other program established by a county, municipality, or other political subdivision of the state that provides for all or a part of hospitalization or medical aid for its employees and their dependents under RCW 41.04.180.

(c) "Retired employee" means a public employee meeting the retirement eligibility, years of service requirements, and other criteria set forth in the public employees' retirement system.

(2) A county, municipality, or other political subdivision that provides a health plan for its employees shall permit retired and disabled employees and their dependents to continue participation in a plan subject to the exceptions, limitations, and conditions set forth in this section. However, this section does not apply to a county, municipality, or other political subdivision participating in an insurance program administered under chapter 41.05 RCW if retired and disabled employees and their dependents of the participating county, municipality, or other political subdivision are covered under an insurance program administered under chapter 41.05 RCW. Nothing in this subsection or this act precludes the local government employer from offering retired or disabled employees a health plan with a benefit structure, copayment, deductible, coinsurance, lifetime benefit maximum, and other plan features which differ from those offered through a retirement plan provided to active employees. Further, nothing in this subsection precludes a local government employer from joining with other public agency employers, including interjurisdictional benefit pools and multi-employer associations or consortiums, to fulfill its obligations under this act.

(3) A county, municipality, or other political subdivision shall require a person who requests continued participation in a health plan under subsection (2) of this section to pay the full cost of such participation, including any amounts necessary for administration. However, this subsection does not require an employer who is currently paying for all or part of a health plan for its retired and disabled employees to discontinue those payments.

(4) Payments for continued participation in a former employer's health plan may be assigned to the underwriter of the health plan from public pension benefits or may be paid to the former employer, as determined by the former employer, so that an underwriter of the health plan that is an insurance company, health care service contractor, or health maintenance organization is not required to accept individual payments from persons continuing participation in the employer's health plan.

(5) After an initial open enrollment period of ninety days after the effective date of this section, an employer may not be required to permit a person to continue participation in the health plan if the person is responsible for a lapse in coverage under the plan. In addition, an employer may not be required to permit a person to continue participation in the employer's health plan if the employer offered continued participation in a health plan that meets the requirements of this act.

(6) If a person continuing participation in the former employer's health plan has medical coverage through another employer, the medical coverage of the other employer is the primary coverage for purposes of coordination of benefits as provided for in the former employer's health plan.

(7) If a person's continued participation in a health plan was permitted because of the person's relationship to a retired or disabled employee of the employer providing the health plan and the retired or disabled employee dies, then that person is permitted to continue participation in the health plan for a period of not more than six months after the death of the retired or disabled employee. However, the employer providing the health plan may permit continued participation beyond that time period.

(8) An employer may offer one or more health plans different from that provided for active employees and designed to meet the needs of persons requesting continued participation in the employer's health plan. An employer, in designing or offering continued participation in a health plan, may utilize terms or conditions necessary to administer the plan to the extent the terms and conditions do not conflict with this section.

(9) If an employer changes the underwriter of a health plan, the replaced underwriter has no further responsibility or obligation to persons who continued participation in a health plan of the replaced underwriter. However, the employer shall permit those persons to participate in any new health plan.

(10) The benefits granted under this section are not considered a matter of contractual right. Should the legislature, a county, municipality, or other political subdivision of the state revoke or change any benefits granted under this section, an affected person is not entitled to receive the benefits as a matter of contractual right.

(11) This section does not affect any health plan contained in a collective bargaining agreement in existence as of the effective date of this section. However, any plan contained in future collective bargaining agreements shall conform to this section. In addition, this section does not affect any health plan contract or policy in existence as of the effective date of this section. However, any renewal of the contract or policy shall conform to this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 41.04 RCW to read as follows:
Employers providing access to health insurance coverage under this act may adopt criteria which specify allowable enrollment periods, require enrollees to keep current addresses and information, and outline other processes to ensure that plans can be administered efficiently and effectively.

NEW SECTION. **Sec. 4.** This act takes effect January 1, 2002, and expires December 31, 2007."

Correct the title.

Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Referred to Committee on Appropriations.

February 23, 2000

2ESSB 5610 Prime Sponsor, Committee on Senate Transportation: Authorizing the director of the department of licensing to impose a civil penalty for a violation of chapter 46.70 RCW. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; G. Chandler; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Republican Vice Chair and DeBolt.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Hankins, G. Chandler, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schual-Berke, Scott, Skinner, Wood and Woods.

Voting nay: Representatives Ericksen and DeBolt.

Excused: Representatives Buck, Mielke and Schindler.

Passed to Rules Committee for Second Reading.

February 22, 2000

SB 5664 Prime Sponsor, Senator Costa: Renaming, with regard to adult and juvenile offenders, "community service" as "community restitution." Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.80.130 and 1987 c 456 s 21 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community ((~~service~~)) restitution in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

Sec. 2. RCW 7.80.160 and 1989 c 373 s 12 are each amended to read as follows:

(1) A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

(2) Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. A written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by an appearance by counsel.

(3) A person who willfully fails to pay a monetary penalty or to perform community ((~~service~~)) restitution as required by a court under this chapter may be found in contempt of court as provided in chapter 7.21 RCW.

Sec. 3. RCW 7.84.110 and 1987 c 380 s 11 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances, is civil in nature.

(2) The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request, the court may order performance of a number of hours of community ((~~service~~)) restitution in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

Sec. 4. RCW 7.84.130 and 1987 c 380 s 13 are each amended to read as follows:

(1) Failure to pay a monetary penalty assessed by a court under the provisions of this chapter is a misdemeanor under chapter 9A.20 RCW.

(2) Failure to complete community ((~~service~~)) restitution ordered by a court under the provisions of this chapter is a misdemeanor under chapter 9A.20 RCW.

Sec. 5. RCW 9.94A.030 and 1999 c 352 s 8, 1999 c 197 s 1, and 1999 c 196 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.145, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.120 (5), (6), (7), (8), (10), or (11), or RCW 9.94A.383, served in the community subject to controls placed on the offender's movement and activities by the department of corrections. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(5) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.120(11), as established by the sentencing guidelines commission or the legislature under RCW 9.94A.040, for crimes committed on or after July 1, 2000.

(6) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(7) "Community ((service)) restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(9) "Confinement" means total or partial confinement as defined in this section.

(10) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(11) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(14) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(15) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(16) "Department" means the department of corrections.

(17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community ((service)) restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(18) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(19) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(20) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(21) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(22) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(23) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(24) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(25) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age fourteen;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;
- (p) Sexual exploitation;
- (q) Vehicular assault;
- (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
- (s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;
- (t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;
- (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
- (v)(i) A prior conviction for indecent liberties under RCW ((~~9A.88.100~~) 9A.44.100(1)) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
- (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.
- (26) "Nonviolent offense" means an offense which is not a violent offense.
- (27) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.
- (28) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.
- (29) "Persistent offender" is an offender who:
 - (a)(i) Has been convicted in this state of any felony considered a most serious offense; and
 - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (29)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection (29)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection (29)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

(30) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(31) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(32) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(33) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(34) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(35) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(36) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW, other than RCW 9A.44.130~~((10))~~ (11), or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(37) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(38) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(39) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(40) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(41) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(42) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state, or sanctioned under RCW 9.94A.205, are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (36) of this section are not eligible for the work crew program.

(43) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(44) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

Sec. 6. RCW 9.94A.040 and 1999 c 352 s 1 and 1999 c 196 s 3 are each reenacted and amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions

or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community ~~(service)~~ restitution, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.310, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature the initial community custody ranges to be included in sentences under RCW 9.94A.120(11) for crimes committed on or after July 1, 2000. Not later than December 31 of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

Sec. 7. RCW 9.94A.120 and 1999 c 324 s 2, 1999 c 197 s 4, 1999 c 196 s 5, and 1999 c 147 s 3 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), ~~((5))~~ (6), ~~((7))~~ (8), or ~~((8))~~ (9), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(5)(a) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include a term of community supervision or community custody as specified in (b) of this subsection, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient treatment for up to the period specified in (b) of this subsection, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (iii) Pursue a prescribed, secular course of study or vocational training;

(iv) Remain within prescribed geographical boundaries and notify the community corrections officer prior to any change in the offender's address or employment;

(v) Report as directed to a community corrections officer; or

(vi) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community ((service)) restitution work.

(b) The terms and statuses applicable to sentences under (a) of this subsection are:

(i) For sentences imposed on or after July 25, 1999, for crimes committed before July 1, 2000, up to one year of community supervision. If treatment is ordered, the period of community supervision may include up to the period of treatment, but shall not exceed two years; and

(ii) For crimes committed on or after July 1, 2000, up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years. Any term of community custody imposed under this subsection (5) is subject to conditions and sanctions as authorized in this subsection (5) and in subsection (11)(b) and (c) of this section.

(c) The department shall discharge from community supervision any offender sentenced under this subsection (5) before July 25, 1999, who has served at least one year of community supervision and has completed any treatment ordered by the court.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no current or prior convictions for a sex offense or violent offense in this state, another state, or the United States;

(iii) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance; and

(iv) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order.

(b) If the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections.

The court shall also impose:

(i) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services;

(ii) Crime-related prohibitions including a condition not to use illegal controlled substances; and

(iii) A requirement to submit to urinalysis or other testing to monitor that status.

The court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

(A) Devote time to a specific employment or training;

(B) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(C) Report as directed to a community corrections officer;

- (D) Pay all court-ordered legal financial obligations;
- (E) Perform community ((service)) restitution work;
- (F) Stay out of areas designated by the sentencing judge;
- (G) Such other conditions as the court may require such as affirmative conditions.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, a violation hearing shall be held by the department unless waived by the offender. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(e) An offender who fails to complete the special drug offender sentencing alternative program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time. An offender who violates any conditions of supervision as defined by the department shall be sanctioned. Sanctions may include, but are not limited to, reclassifying the offender to serve the unexpired term of his or her sentence as ordered by the sentencing judge. If an offender is reclassified to serve the unexpired term of his or her sentence, the offender shall be subject to all rules relating to earned early release time.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community ((service)) restitution work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in subsection (11)(b) and (c) of this section; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the

victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community ((~~service~~)) restitution work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(d) Within the funds available for this purpose, the department shall develop and monitor transition and relapse prevention strategies, including risk assessment and release plans, to reduce risk to the community after sex offenders' terms of confinement in the custody of the department.

(9)(a)(i) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, but before July 25, 1999, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender

is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(ii) Except for persons sentenced under (b) of this subsection or subsection (10)(a) of this section, when a court sentences a person to a term of total confinement to the custody of the department of corrections for a violent offense, any crime against a person under RCW 9.94A.440(2), or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 25, 1999, but before July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences the offender under this subsection (9)(a)(ii) to the statutory maximum period of confinement, then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, or a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, but before July 1, 2000, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community ((service)) restitution;
- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and
- (vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
- (iii) The offender shall participate in crime-related treatment or counseling services;
- (iv) The offender shall not consume alcohol;
- (v) The offender shall comply with any crime-related prohibitions; or
- (vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the

department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, but before July 1, 2000, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11)(a) When a court sentences a person to the custody of the department of corrections for a sex offense, a violent offense, any crime against a person under RCW 9.94A.440(2), or a felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in subsection (9)(b)(i) through (vi) of this section. The conditions may also include those provided for in subsection (9)(c)(i) through (vi) of this section. The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to (f) of this subsection. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(c) If an offender violates conditions imposed by the court or the department pursuant to this subsection during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.205 and 9.94A.207.

(d) Except for terms of community custody under subsection (8) of this section, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(e) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(f) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (11)(f).

(g) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (i) The crime of conviction; (ii) the offender's risk of reoffending; or (iii) the safety of the community.

(12) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(13) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(14) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(15) All offenders sentenced to terms involving community supervision, community ~~(service)~~ restitution, community placement, community custody, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the department may additionally require the offender to participate in rehabilitative programs or otherwise perform affirmative conduct, and to obey all laws.

The conditions authorized under this subsection (15)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of an offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) or (11) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) or (11)(e) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(16) All offenders sentenced to terms involving community supervision, community ~~(service)~~ restitution, community custody, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(17) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(18) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(19) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(20) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(21) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(22) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(23) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

(24) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

(25)(a) Sex offender examinations and treatment ordered as a special condition of community placement or community custody under this section shall be conducted only by sex offender treatment providers certified by the department of health under chapter 18.155 RCW unless the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified providers are available for treatment within a reasonable geographic distance of the offender's home, as determined in rules adopted by the secretary; (iii) the evaluation and treatment plan comply with the rules adopted by the department of health; or (iv) the treatment provider is employed by the department. A treatment provider selected by an offender who is not certified by the department of health shall consult with a certified provider during the offender's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified provider.

(b) A sex offender's failure to participate in treatment required as a condition of community placement or community custody is a violation that will not be excused on the basis that no treatment provider was located within a reasonable geographic distance of the offender's home.

Sec. 8. RCW 9.94A.200 and 1998 c 260 s 4 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community ((service)) restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within seventy-two hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within fifteen days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to

comply with the sanction administratively imposed by the department may be considered an additional violation.

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community ~~((service))~~ restitution obligation to total or partial confinement, (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community ~~((service))~~ restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community ~~((service))~~ restitution, or (iv) order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of legal financial obligations and regarding community ~~((service))~~ restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

(5) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

(6) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 9. RCW 9.94A.380 and 1999 c 197 s 6 are each amended to read as follows:

Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement:

(1) One day of partial confinement may be substituted for one day of total confinement;

(2) In addition, for offenders convicted of nonviolent offenses only, eight hours of community ~~((service))~~ restitution may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community ~~((service))~~ restitution hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department; and

(3) For offenders convicted of nonviolent and nonsex offenses, the court may authorize county jails to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.129.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the judgment and sentence form if the alternatives are not used.

Sec. 10. RCW 9.94A.400 and 1999 c 352 s 11 are each amended to read as follows:

(1)(a) Except as provided in (b) or (c) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(g) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses, as defined in RCW 9.94A.030, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, the sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(2)(a) Except as provided in (b) of this subsection, whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(b) Whenever a second or later felony conviction results in community supervision with conditions not currently in effect, under the prior sentence or sentences of community supervision the court may require that the conditions of community supervision contained in the second or later sentence begin during the immediate term of community supervision and continue throughout the duration of the consecutive term of community supervision.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community (~~service~~) restitution, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

Sec. 11. RCW 10.98.040 and 1999 c 143 s 51 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Arrest and fingerprint form" means the reporting form prescribed by the identification, child abuse, and criminal history section to initiate compiling arrest and identification information.

(2) "Chief law enforcement officer" includes the sheriff or director of public safety of a county, the chief of police of a city or town, and chief officers of other law enforcement agencies operating within the state.

(3) "Department" means the department of corrections.

(4) "Disposition" means the conclusion of a criminal proceeding at any stage it occurs in the criminal justice system. Disposition includes but is not limited to temporary or permanent outcomes such as charges dropped by police, charges not filed by the prosecuting attorney, deferred prosecution, defendant absconded, charges filed by the prosecuting attorney pending court findings such as not guilty, dismissed, guilty, or guilty--case appealed to higher court.

(5) "Disposition report" means the reporting form prescribed by the identification, child abuse, and criminal history section to report the legal procedures taken after completing an arrest and fingerprint form. The disposition report shall include but not be limited to the following types of information:

(a) The type of disposition;

(b) The statutory citation for the arrests;

(c) The sentence structure if the defendant was convicted of a felony;

(d) The state identification number; and

(e) Identification information and other information that is prescribed by the identification, child abuse, and criminal history section.

(6) "Fingerprints" means the fingerprints taken from arrested or charged persons under the procedures prescribed by the Washington state patrol identification, child abuse, and criminal history section.

(7) "Prosecuting attorney" means the public or private attorney prosecuting a criminal case.

(8) "Section" refers to the Washington state patrol section on identification, child abuse, and criminal history.

(9) "Sentence structure" means itemizing the components of the felony sentence. The sentence structure shall include but not be limited to the total or partial confinement sentenced, and whether the sentence is prison or jail, community supervision, fines, restitution, or community ~~((service))~~ restitution.

Sec. 12. RCW 13.40.020 and 1997 c 338 s 10 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community ~~((service))~~ restitution not to exceed one hundred fifty hours of ~~((service))~~ community restitution;

(3) "Community ~~((service))~~ restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community ~~((service))~~ restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as

defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community ~~((service))~~ restitution; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services.

"Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030.

Sec. 13. RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
Arson and Malicious Mischief		
	A Arson 1 (9A.48.020)	B+
	B Arson 2 (9A.48.030)	C
	C Reckless Burning 1 (9A.48.040)	D
	D Reckless Burning 2 (9A.48.050)	E
	B Malicious Mischief 1 (9A.48.070)	C
	C Malicious Mischief 2 (9A.48.080)	D
	D Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
	E Tampering with Fire Alarm Apparatus (9.40.100)	E
	A Possession of Incendiary Device (9.40.120)	B+
Assault and Other Crimes Involving Physical Harm		
	A Assault 1 (9A.36.011)	B+
	B Assault 2 (9A.36.021)	C+
+	C Assault 3 (9A.36.031)	D+
+	D Assault 4 (9A.36.041)	E
+	B Drive-By Shooting (9A.36.045)	C+
+	D Reckless Endangerment (9A.36.050)	E
+	C Promoting Suicide Attempt (9A.36.060)	D+
+	D Coercion (9A.36.070)	E
+	C Custodial Assault (9A.36.100)	D+
+	Burglary and Trespass	
	B Burglary 1 (9A.52.020)	C+
+	B Residential Burglary (9A.52.025)	C
	B Burglary 2 (9A.52.030)	C
	D Burglary Tools (Possession of) (9A.52.060)	E
	D Criminal Trespass 1 (9A.52.070)	E
	E Criminal Trespass 2 (9A.52.080)	E
	C Vehicle Prowling 1 (9A.52.095)	D
	D Vehicle Prowling 2 (9A.52.100)	E
Drugs		
	E Possession/Consumption of Alcohol (66.44.270)	E
	C Illegally Obtaining Legend Drug (69.41.020)	D

	C Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
+	E Possession of Legend Drug (69.41.030)	E
	B Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B+
+	C Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
	E Possession of Marihuana < 40 grams (69.50.401(e))	E
	C Fraudulently Obtaining Controlled Substance (69.50.403)	C
	C Sale of Controlled Substance for Profit (69.50.410)	C+
+	E Unlawful Inhalation (9.47A.020)	E
	B Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii))	B
	C Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C
	C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
	C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C
	Firearms and Weapons	
	B Theft of Firearm (9A.56.300)	C
	B Possession of Stolen Firearm (9A.56.310)	C
	E Carrying Loaded Pistol Without Permit (9.41.050)	E
	C Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii))	C
	D Possession of Dangerous Weapon (9.41.250)	E
+	D Intimidating Another Person by use of Weapon (9.41.270)	E
	Homicide	
	A Murder 1 (9A.32.030)	A
+	A Murder 2 (9A.32.050)	B+
+	B Manslaughter 1 (9A.32.060)	C+
+	C Manslaughter 2 (9A.32.070)	D+
+	B Vehicular Homicide (46.61.520)	C+
+	Kidnapping	

	A Kidnap 1 (9A.40.020)	B+
	B Kidnap 2 (9A.40.030)	C+
+		
	C Unlawful Imprisonment (9A.40.040)	D+
+		
	Obstructing Governmental Operation	
	D Obstructing a Law Enforcement Officer (9A.76.020)	E
	E Resisting Arrest (9A.76.040)	E
	B Introducing Contraband 1 (9A.76.140)	C
	C Introducing Contraband 2 (9A.76.150)	D
	E Introducing Contraband 3 (9A.76.160)	E
	B Intimidating a Public Servant (9A.76.180)	C+
+		
	B Intimidating a Witness (9A.72.110)	C+
+		
	Public Disturbance	
	C Riot with Weapon (9A.84.010)	D+
+		
	D Riot Without Weapon (9A.84.010)	E
+		
	E Failure to Disperse (9A.84.020)	E
	E Disorderly Conduct (9A.84.030)	E
	Sex Crimes	
	A Rape 1 (9A.44.040)	B+
	A Rape 2 (9A.44.050)	B+
-		
	C Rape 3 (9A.44.060)	D+
+		
	A Rape of a Child 1 (9A.44.073)	B+
-		
	B Rape of a Child 2 (9A.44.076)	C+
+		
	B Incest 1 (9A.64.020(1))	C
	C Incest 2 (9A.64.020(2))	D
	D Indecent Exposure (Victim < 14) (9A.88.010)	E
+		
	E Indecent Exposure (Victim 14 or over) (9A.88.010)	E
	B Promoting Prostitution 1 (9A.88.070)	C+
+		
	C Promoting Prostitution 2 (9A.88.080)	D+
+		
	E O & A (Prostitution) (9A.88.030)	E
	B Indecent Liberties (9A.44.100)	C+
+		
	A Child Molestation 1 (9A.44.083)	B+

-	B Child Molestation 2 (9A.44.086)	C+
	Theft, Robbery, Extortion, and Forgery	
	B Theft 1 (9A.56.030)	C
	C Theft 2 (9A.56.040)	D
	D Theft 3 (9A.56.050)	E
	B Theft of Livestock (9A.56.080)	C
	C Forgery (9A.60.020)	D
	A Robbery 1 (9A.56.200)	B+
	B Robbery 2 (9A.56.210)	C+
+		
	B Extortion 1 (9A.56.120)	C+
+		
	C Extortion 2 (9A.56.130)	D+
+		
	B Possession of Stolen Property 1 (9A.56.150)	C
	C Possession of Stolen Property 2 (9A.56.160)	D
	D Possession of Stolen Property 3 (9A.56.170)	E
	C Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	Motor Vehicle Related Crimes	
	E Driving Without a License (46.20.005)	E
	C Hit and Run - Injury (46.52.020(4))	D
	D Hit and Run-Attended (46.52.020(5))	E
	E Hit and Run-Unattended (46.52.010)	E
	C Vehicular Assault (46.61.522)	D
	C Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
	E Reckless Driving (46.61.500)	E
	D Driving While Under the Influence (46.61.502 and 46.61.504)	E
	Other	
	B Bomb Threat (9.61.160)	C
	C Escape 1 ¹ (9A.76.110)	C
	C Escape 2 ¹ (9A.76.120)	C
	D Escape 3 (9A.76.130)	E
	E Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
	A Other Offense Equivalent to an Adult Class A Felony	B+
	B Other Offense Equivalent to an Adult Class B Felony	C
	C Other Offense Equivalent to an Adult Class C Felony	D
	D Other Offense Equivalent to an Adult Gross Misdemeanor	E
	E Other Offense Equivalent to an Adult Misdemeanor	E
	V Violation of Order of Restitution, Community	V

Supervision, or Confinement (13.40.200)²

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 |52-65 |80-100 |103-129
 WEEKS |WEEKS |WEEKS |WEEKS
 EXCEPT |||
 30-40 |||
 WEEKS FOR |||
 15-17 |||
 YEAR OLDS |||

Current B+ 15-36 |52-65 |80-100 |103-129
 Offense WEEKS |WEEKS |WEEKS |WEEKS
 Category

B LOCAL | |52-65
 SANCTIONS (LS) |15-36 WEEKS |WEEKS

C+ LS | |
 |15-36 WEEKS

C LS |15-36 WEEKS
 Local Sanctions: |
 0 to 30 Days

D+ LS 0 to 12 Months Community Supervision
 0 to 150 Hours Community ((Service)) Restitution

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more
 PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as ¼ point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(~~(5)~~) (4) and 13.40.165.

OR

OPTION C

MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 14. RCW 13.40.080 and 1999 c 91 s 1 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community (~~service~~) restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed;

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(f) Upon request of the victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) In assessing periods of community ((~~service~~)) restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (4)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

(9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

(12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversionary unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

(15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community ~~((service))~~ restitution. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion

unit. The number of hours of community ((service)) restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

Sec. 15. RCW 13.40.160 and 1999 c 91 s 2 are each amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (3), and (4) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (3), and (4) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option C of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and

consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option C, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community ~~((service))~~ restitution, or any combination thereof;
- (vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;
- (viii) Comply with the conditions of any court-ordered probation bond; or
- (ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (4) [(3)] and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order

execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(6) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(7) Except as provided under subsection (3) or (4) of this section or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(8) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 16. RCW 13.40.165 and 1997 c 338 s 26 are each amended to read as follows:

(1) When a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent and amenable to treatment.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment;
- (e) Recommended crime-related prohibitions; and
- (f) Whether the respondent is amenable to treatment.

(4) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any examination ordered under this subsection (4) or subsection (1) of this section unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative

and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, the sum of confinement time and inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community ((~~service~~)) restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

Sec. 17. RCW 13.40.180 and 1981 c 299 s 14 are each amended to read as follows:

Where a disposition is imposed on a youth for two or more offenses, the terms shall run consecutively, subject to the following limitations:

(1) Where the offenses were committed through a single act or omission, omission, or through an act or omission which in itself constituted one of the offenses and also was an element of the other, the aggregate of all the terms shall not exceed one hundred fifty percent of the term imposed for the most serious offense;

(2) The aggregate of all consecutive terms shall not exceed three hundred percent of the term imposed for the most serious offense; and

(3) The aggregate of all consecutive terms of community supervision shall not exceed two years in length, or require payment of more than two hundred dollars in fines or the performance of more than two hundred hours of community ((~~service~~)) restitution.

Sec. 18. RCW 13.40.200 and 1997 c 338 s 31 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty

assessments, or restitution or to perform community ((service)) restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community ((service)) restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community ((service)) restitution. The number of hours of community ((service)) restitution in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054.

Sec. 19. RCW 13.40.205 and 1990 c 3 s 103 are each amended to read as follows:

(1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

(a) Sixty percent of the minimum term of confinement has been served; and

(b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all pre-minimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside

during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family, the secretary shall give notice of any leave to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Notwithstanding the provisions of this section, a juvenile placed in minimum security status may participate in work, educational, community ((service)) restitution, or treatment programs in the community up to twelve hours a day if approved by the secretary. Such a release shall not be deemed a leave of absence.

(11) Subsections (6), (7), and (8) of this section do not apply to juveniles covered by RCW 13.40.215.

Sec. 20. RCW 13.40.210 and 1997 c 338 s 32 are each amended to read as follows:

(1) The secretary shall, except in the case of a juvenile committed by a court to a term of confinement in a state institution outside the appropriate standard range for the offense(s) for which the juvenile was found to be guilty established pursuant to RCW 13.40.030, set a release or discharge date for each juvenile committed to its custody. The release or discharge date shall be within the prescribed range to which a juvenile has been committed except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the juvenile's release under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the

secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community ~~((service))~~ restitution. Community ~~((service))~~ restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community ~~((service))~~ restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; and (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030.

(b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

Sec. 21. RCW 13.40.250 and 1997 c 338 s 36 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community (~~(service)~~) restitution in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community (~~(service)~~) restitution, or educational or informational sessions.

(4) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

Sec. 22. RCW 28A.225.090 and 1999 c 319 s 4 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community (~~(service)~~) restitution. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community (~~(service)~~) restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the

child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community ((~~service~~)) restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015.

Sec. 23. RCW 35.21.209 and 1984 c 24 s 1 are each amended to read as follows:

The legislative authority of a city or town may purchase liability insurance in an amount it deems reasonable to protect the city or town, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of court-ordered community ((~~service~~)) restitution, and may elect to treat offenders as employees and/or workers under Title 51 RCW.

Sec. 24. RCW 35A.21.220 and 1984 c 24 s 2 are each amended to read as follows:

The legislative authority of a code city may purchase liability insurance in an amount it deems reasonable to protect the code city, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of court-ordered community ((~~service~~)) restitution, and may elect to treat offenders as employees and/or workers under Title 51 RCW.

Sec. 25. RCW 36.16.139 and 1984 c 24 s 3 are each amended to read as follows:

The legislative authority of a county may purchase liability insurance in an amount it deems reasonable to protect the county, its officers, and employees against liability for the wrongful acts of offenders or injury or damage incurred by offenders in the course of community ((~~service~~)) restitution imposed by court order or pursuant to RCW 13.40.080. The legislative authority of a county may elect to treat offenders as employees and/or workers under Title 51 RCW.

Sec. 26. RCW 46.16.381 and 1999 c 136 s 1 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

- (a) Cannot walk two hundred feet without stopping to rest;
- (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
- (c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
- (d) Uses portable oxygen;
- (e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or
- (g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) The applications for disabled parking permits and temporary disabled parking permits are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on

each application form immediately below the physician's signature and immediately below the applicant's signature: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the name and date of birth of the person to whom the placard is issued, and the placard's serial number. The special identification card shall be issued no later than January 1, 2000, to all persons who are issued parking placards, including those issued for temporary disabilities, and special disabled parking license plates. By July 1, 2001, the department shall incorporate a photograph of the holder of the disabled parking permit into all special identification cards issued after that date. The department, in conjunction with the governor's committee on disability issues and employment, shall assess options for issuing a photo identification card to each person who qualifies for a permanent parking placard, a temporary parking placard, or a special disabled parking license plate and report findings to the legislative transportation committee no later than December 31, 2000. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of regular motor vehicle license plates, disabled persons are entitled to receive special license plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the special license plates or placard may park in places reserved for mobility disabled persons. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding homes, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately surrendered to the director.

(5) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The permanent parking placard and identification card of a disabled person shall be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. In the event of the permit holder's death, the parking placard and identification card must be immediately surrendered to the department. The department shall match and purge its disabled permit data base with available death record information at least every twelve months.

(6) Each person who has been issued a permanent disabled parking permit on or before July 1, 1998, must renew the permit no later than July 1, 2003, subject to a schedule to be set by the department, or the permit will expire.

(7) Additional fees shall not be charged for the issuance of the special placards or the identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(8) Any unauthorized use of the special placard, special license plate, or identification card is a traffic infraction with a monetary penalty of two hundred fifty dollars.

(9) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for a person to make inaccessible the access aisle located next to a space reserved for physically disabled persons. The clerk of the court shall report all violations related to this subsection to the department.

(10) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under this section. A local jurisdiction providing nonmetered, on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards. All time restrictions must be clearly posted.

(11) The penalties imposed under subsections (9) and (10) of this section shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(12) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate, placard, or identification card in a manner other than that established under this section.

(13)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(14) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community ~~((service))~~ restitution for a nonprofit organization that serves the disabled community or persons having disabling diseases; or

(b) Any other community ~~((service))~~ restitution that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

(15) The court may not suspend more than one-half of any fine imposed under subsection (8), (9), (10), or (12) of this section.

Sec. 27. RCW 46.20.031 and 1999 c 6 s 7 are each amended to read as follows:

The department shall not issue a driver's license to a person:

(1) Who is under the age of sixteen years;

(2) Whose driving privilege has been withheld unless and until the department may authorize the driving privilege under RCW 46.20.311;

(3) Who has been classified as an alcoholic, drug addict, alcohol abuser, or drug abuser by a program approved by the department of social and health services. The department may, however, issue a license if the person:

(a) Has been granted a deferred prosecution under chapter 10.05 RCW; or

(b) Is satisfactorily participating in or has successfully completed an alcohol or drug abuse treatment program approved by the department of social and health services and has established control of his or her alcohol or drug abuse problem;

(4) Who has previously been adjudged to be mentally ill or insane, or to be incompetent due to a mental disability or disease. The department shall, however, issue a license to the person if he or she otherwise qualifies and:

(a) Has been restored to competency by the methods provided by law; or

(b) The superior court finds the person able to operate a motor vehicle with safety upon the highways during such incompetency;

(5) Who has not passed the driver's licensing examination required by RCW 46.20.120 and 46.20.305, if applicable;

(6) Who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

(7) Who is unable to safely operate a motor vehicle upon the highways due to a physical or mental disability. The department's conclusion that a person is barred from licensing under this subsection must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction;

(8) Who has violated his or her written promise to appear, respond, or comply regarding a notice of infraction issued for abandonment of a vehicle in violation of RCW 46.55.105, unless:

(a) The court has not notified the department of the violation;

(b) The department has received notice from the court showing that the person has been found not to have committed the violation of RCW 46.55.105; or

(c) The person has paid all monetary penalties owing, including completion of community ((service)) restitution, and the court is satisfied that the person has made restitution as provided by RCW 46.55.105(2).

Sec. 28. RCW 46.30.020 and 1991 sp.s. c 25 s 1 are each amended to read as follows:

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community ((service)) restitution.

(2) If a person cited for a violation of subsection (1) of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court, submit by mail to

the court written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars at the time of dismissal.

(3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

Sec. 29. RCW 46.63.120 and 1979 ex.s. c 136 s 14 are each amended to read as follows:

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request the court may order performance of a number of hours of community ~~((service))~~ restitution in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

Sec. 30. RCW 66.20.200 and 1994 c 201 s 1 are each amended to read as follows:

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee or store employee. Any person who shall permit his or her card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee or store employee or gain admission to a premises or portion of a premises classified by the board as off-limits to persons under twenty-one years of age, shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution. Any person not entitled thereto who unlawfully procures or has issued or transferred to him or her a card of identification, and any person who possesses a card of identification not issued to him or her, and any person who makes any false statement on any certification card required by RCW 66.20.190, as now or hereafter amended, to be signed by him or her, shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution.

Sec. 31. RCW 66.44.291 and 1987 c 101 s 1 are each amended to read as follows:

Every person between the ages of eighteen and twenty, inclusive, who is convicted of a violation of RCW 66.44.290 is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than twenty-five hours of ~~((such service))~~ community restitution.

Sec. 32. RCW 66.44.325 and 1987 c 101 s 2 are each amended to read as follows:

Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community ~~((service))~~ restitution shall require not fewer than

twenty-five hours of ~~((such service))~~ community restitution: PROVIDED, That corroborative testimony of a witness other than the minor shall be a condition precedent to conviction.

Sec. 33. RCW 69.50.425 and 1989 c 271 s 105 are each amended to read as follows:

A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community ~~((service))~~ restitution. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

Sec. 34. RCW 70.93.060 and 1997 c 159 s 1 are each amended to read as follows:

(1) No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of said private or public property or waters.

(2)(a) Except as provided in subsection (4) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(3) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform twenty-four hours of community ~~((service))~~ restitution in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW ~~((43.51.048(2)))~~ 79A.05.050(2).

(4) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, a cigarette, cigar, or other tobacco product that is capable of starting a fire.

Sec. 35. RCW 70.93.250 and 1998 c 257 s 10 and 1998 c 245 s 128 are each reenacted and amended to read as follows:

(1) The department shall provide funding to local units of government to establish, conduct, and evaluate community ~~((service))~~ restitution and other programs for waste reduction, litter and illegal dump cleanup, and recycling. Programs eligible for funding under this section shall include, but not be limited to, programs established pursuant to RCW 72.09.260.

(2) Funds may be offered for costs associated with community waste reduction, litter cleanup and prevention, and recycling activities. The funding program must be flexible, allowing local governments to use funds broadly to meet their needs to reduce waste, control litter and illegal dumping, and promote recycling. Local governments are required to contribute resources or in-kind services. The department shall evaluate funding requests from local government according to the same criteria as those developed in RCW 70.93.220, provide funds according to the effectiveness and

efficiency of local government litter control programs, and monitor the results of all local government programs under this section.

(3) Local governments shall report information as requested by the department in funding agreements entered into by the department and a local government. The department shall report to the appropriate standing committees of the legislature by December of even-numbered years on the effectiveness of local government waste reduction, litter, and recycling programs funded under this section.

Sec. 36. RCW 70.155.080 and 1998 c 133 s 2 are each amended to read as follows:

(1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in up to four hours of community ((~~service~~)) restitution, or both. The court may also require participation in a smoking cessation program. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor control board, law enforcement, or local health department activity.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section.

Sec. 37. RCW 72.09.060 and 1989 c 185 s 3 are each amended to read as follows:

The department of corrections may be organized into such divisions or offices as the secretary may determine, but shall include divisions for (1) correctional industries, (2) prisons and other custodial institutions and (3) probation, parole, community ((~~service~~)) restitution, restitution, and other nonincarcerative sanctions. The secretary shall have at least one person on his or her staff who shall have the responsibility for developing a program which encourages the use of volunteers, for citizen advisory groups, and for similar public involvement programs in the corrections area. Minimum qualification for staff assigned to public involvement responsibilities shall include previous experience in working with volunteers or volunteer agencies.

Sec. 38. RCW 72.09.100 and 1995 1st sp.s. c 19 s 33 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES. The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers. The correctional industries board of directors shall review these proposed industries before the department contracts to provide such products or services. The review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community and labor market.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

Subject to approval of the correctional industries board, provisions of RCW 41.06.380 prohibiting contracting out work performed by classified employees shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY ((~~SERVICE~~)) RESTITUTION PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community ((~~service~~)) restitution order as ordered by the sentencing court.

Employment shall be in a community ((~~service~~)) restitution program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

Sec. 39. RCW 72.09.260 and 1990 c 66 s 2 are each amended to read as follows:

(1) The department shall assist local units of government in establishing community ((~~service~~)) restitution programs for litter cleanup. Community ((~~service~~)) restitution litter cleanup programs must include the following: (a) Procedures for documenting the number of community ((~~service~~)) restitution hours worked in litter cleanup by each offender; (b) plans to coordinate litter cleanup activities with local governmental entities responsible for roadside and park maintenance; (c) insurance coverage for offenders during litter cleanup activities pursuant to RCW 51.12.045; (d) provision of adequate safety equipment and, if needed, weather protection gear; and (e) provision for including felons and misdemeanants in the program.

(2) Community ((~~service~~)) restitution programs established under this section shall involve, but not be limited to, persons convicted of nonviolent, drug-related offenses.

(3) Nothing in this section shall diminish the department's authority to place offenders in community ((~~service~~)) restitution programs or to determine the suitability of offenders for specific programs.

(4) As used in this section, "litter cleanup" includes cleanup and removal of solid waste that is illegally dumped.

Sec. 40. RCW 79A.05.050 and 1996 c 263 s 3 are each amended to read as follows:

(1) The commission shall establish a policy and procedures for supervising and evaluating community ((~~service~~)) restitution activities that may be imposed under RCW 70.93.060(3) including a description of what constitutes satisfactory completion of community ((~~service~~)) restitution.

(2) The commission shall inform each state park of the policy and procedures regarding community ((~~service~~)) restitution activities, and each state park shall then notify the commission as to whether or not the park elects to participate in the community ((~~service~~)) restitution program. The commission shall transmit a list notifying the district courts of each state park that elects to participate."

On page 1, line 1 of the title, after "service;" strike the remainder of the title and insert "amending RCW 7.80.130, 7.80.160, 7.84.110, 7.84.130, 9.94A.200, 9.94A.380, 9.94A.400, 10.98.040, 13.40.020, 13.40.0357, 13.40.080, 13.40.160, 13.40.165, 13.40.180, 13.40.200, 13.40.205, 13.40.210, 13.40.250, 28A.225.090, 35.21.209, 35A.21.220, 36.16.139, 46.16.381, 46.20.031, 46.30.020, 46.63.120, 66.20.200, 66.44.291, 66.44.325, 69.50.425, 70.93.060, 70.155.080, 72.09.060, 72.09.100, 72.09.260, and 79A.05.050; and reenacting and amending RCW 9.94A.030, 9.94A.040, 9.94A.120, and 70.93.250."

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 23, 2000

ESB 5667 Prime Sponsor, Senator West: Increasing the number of untaxed complimentary tickets available for boxing, kickboxing, martial arts, and wrestling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives Hurst and McIntire.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood and McMorris.

Voting nay: Representatives Hurst and McIntire.

Excused: Representative Lisk.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 5733 Prime Sponsor, Committee on Senate Human Services & Corrections: Revising law governing the sealing of juvenile records. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.50.050 and 1999 c 198 s 4 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) or (13) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident

reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection ~~((23))~~ (24) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12) The court shall grant the motion to seal records made pursuant to subsection (11) of this section if it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent ten consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction. For misdemeanors and diversions, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction and the person is at least eighteen years old. For gross misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent three consecutive years in the community without committing any offense or crime that subsequently results in conviction and the person is at least eighteen years old;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

(13) If a person seeking the sealing of records for class B offenses, other than sex offenses, files with the court a motion to seal records under subsection (11) of this section after having spent only five years in the community without committing any offense or crime subsequently resulting in conviction, the court has discretion to grant the motion to seal records if the court finds that, in addition to meeting the criteria stated in subsection (12)(b) through (e) of this section:

(a) The person has spent five consecutive years in the community without committing any offense or crime that subsequently resulted in conviction;

(b) Credible evidence displays that a present career path for the person is impeded by the existing record;

(c) The person is at least twenty-one years old; and

(d) The person has lived an exemplary life since committing the last offense or crime.

(14) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

~~((14))~~ (15) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection ~~((23))~~ (24) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

~~((15))~~ (16) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection ~~((23))~~ (24) of this section.

~~((16))~~ (17) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The Washington state patrol shall develop an automated system to retrieve information after a sealing order has been nullified.

~~((17))~~ (18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection ~~((23))~~ (24) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.

~~((18))~~ (19) If the court grants the motion to destroy records made pursuant to subsection ~~((17))~~ (18) of this section, it shall, subject to subsection ~~((23))~~ (24) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

~~((19))~~ (20) The person making the motion pursuant to subsection ~~((17))~~ (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

~~((20))~~ (21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

~~((21))~~ (22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

~~((22))~~ (23) Any juvenile justice or care agency may, subject to the limitations in subsection ~~((23))~~ (24) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

~~((23))~~ (24) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but

does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

~~((24))~~ (25) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault."

Correct the title.

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Dickerson; Kastama; Lantz and Lovick.

MINORITY recommendation: Without recommendation. Signed by Representatives Lambert, Republican Vice Chair; Cox; Esser; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Dickerson, Kastama, Lantz and Lovick.

Voting nay: Representatives Lambert, Cox, Esser, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 5739 Prime Sponsor, Senator Thibaudeau: Preparing certificates of death or fetal death. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 5805 Prime Sponsor, Committee on Senate Health & Long-Term Care: Completing the prescriptive authority of advanced registered nurse practitioners. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

February 24, 2000

ESB 5816 Prime Sponsor, Senator Haugen: Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 3, beginning on line 22, strike all material through line 30

Beginning on page 3, line 31, strike all of section 2

Beginning on page 5, line 22, strike all of section 3

Correct the title.

Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Mielke, Republican Vice Chair; Edwards; Ericksen and Fortunato.

MINORITY recommendation: Do not pass. Signed by Representatives Doumit, Democratic Vice Chair and Fisher.

Voting yea: Representatives Mulliken, Scott, Mielke, Edwards, Ericksen and Fortunato.

Voting nay: Representatives Doumit and Fisher.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 5924 Prime Sponsor, Committee on Senate Commerce, Trade, Housing & Financing: Modifying real estate appraiser laws. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos and Talcott.

Excused: Representative Sullivan.

Passed to Rules Committee for Second Reading.

February 24, 2000

SSB 5932 Prime Sponsor, Committee on Senate Ways & Means: Changing provisions relating to bond debt service payments from the community and technical college capital projects account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden; Schoesler and Woods.

Voting yea: Representatives Alexander, Murray, Edmonds, Esser, Anderson, Barlean, Bush, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden, Schoesler and Woods.
Excused: Representative Constantine.

Passed to Rules Committee for Second Reading.

February 23, 2000

SSB 6071 Prime Sponsor, Committee on Senate Judiciary: Increasing penalties for hit and run where an injury or death occurs. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.52.020 and 1990 c 210 s 2 are each amended to read as follows:

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he or she has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he or she has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(3) Unless otherwise provided in subsection (7) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his or her name, address, insurance company, insurance policy number, and vehicle license number and shall exhibit his or her vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his or her behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident.

(4)(a) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section ~~((under said circumstances shall be))~~ in the case of an accident resulting in death is guilty of a class B felony and, upon conviction, is punishable according to chapter 9A.20 RCW.

(b) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section in the case of an accident resulting in injury is guilty of a class C felony and, upon conviction, ((be punished pursuant to RCW 9A.20.020: PROVIDED, That)) is punishable according to chapter 9A.20 RCW.

(c) This ((provision)) subsection shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying ((herewith)) with this section.

(5) Any driver covered by the provisions of subsection (2) of this section failing to stop or to comply with any of the requirements of subsection (3) of this section under said circumstances shall be guilty of a gross misdemeanor: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.

(6) The license or permit to drive or any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of

failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the department.

(7) If none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his or her part to be performed, shall forthwith report such accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section.

Sec. 2. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))
 - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)

Homicide by Watercraft, by being under the influence of
intoxicating liquor or any drug (RCW ((~~88.12.029~~))
79A.60.050)
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
Malicious placement of an explosive 2 (RCW 70.74.270(2))
Over 18 and deliver narcotic from Schedule III, IV, or V or
a nonnarcotic, except flunitrazepam or
methamphetamine, from Schedule I-V to someone
under 18 and 3 years junior (RCW 69.50.406)
Robbery 1 (RCW 9A.56.200)
Sexual Exploitation (RCW 9.68A.040)
Vehicular Homicide, by being under the influence of
intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine
(RCW 69.50.401(a)(1)(ii))
Hit and Run--Death (RCW 46.52.020(4)(a))
Homicide by Watercraft, by the operation of any vessel in a
reckless manner (RCW ((~~88.12.029~~)) 79A.60.050)
Manslaughter 2 (RCW 9A.32.070)
Manufacture, deliver, or possess with intent to deliver
amphetamine (RCW 69.50.401(a)(1)(ii))
Manufacture, deliver, or possess with intent to deliver
heroin or cocaine (RCW 69.50.401(a)(1)(i))
Possession of ephedrine or pseudoephedrine with intent to
manufacture methamphetamine (RCW 69.50.440)
Promoting Prostitution 1 (RCW 9A.88.070)
Selling for profit (controlled or counterfeit) any controlled
substance (RCW 69.50.410)
Vehicular Homicide, by the operation of any vehicle in a
reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually explicit
conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety of
others (RCW ((~~88.12.029~~)) 79A.60.050)
Indecent Liberties (without forcible compulsion) (RCW
9A.44.100(1) (b) and (c))
Introducing Contraband 1 (RCW 9A.76.140)
Involving a minor in drug dealing (RCW 69.50.401(f))
Malicious placement of an explosive 3 (RCW 70.74.270(3))
Sending, bringing into state depictions of minor engaged in
sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree (RCW
9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony (RCW
9.41.225)
Vehicular Homicide, by disregard for the safety of others
(RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW
70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver
narcotics from Schedule I or II (except heroin or
cocaine) or flunitrazepam from Schedule IV (RCW
69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of
credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person
eighteen or over to person under eighteen (RCW
69.52.030(2))
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW
9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
On and after July 1, 2000: No-Contact Order Violation:
Domestic Violence Pretrial Condition (RCW
10.99.040(4) (b) and (c))
On and after July 1, 2000: No-Contact Order Violation:
Domestic Violence Sentence Condition (RCW
10.99.050(2))
On and after July 1, 2000: Protection Order Violation:
Domestic Violence Civil Action (RCW 26.50.110
(4) and (5))
On and after July 1, 2000: Stalking (RCW 9A.46.110)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)

IV Arson 2 (RCW 9A.48.030)
Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW (~~88.12.032~~) 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW
9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury ((~~Accident~~) (RCW 46.52.020(4)(b))
Hit and Run with Vessel--Injury Accident (RCW
(~~88.12.155~~) 79A.60.200(3))
Indecent Exposure to Person Under Age Fourteen
(subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW
9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver
narcotics from Schedule III, IV, or V or
nonnarcotics from Schedule I-V (except marijuana,
amphetamine, methamphetamines, or flunitrazepam)
(RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080
(1) and (2))
Vehicular Assault (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW
9A.76.170(2)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW
9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance
(RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances
(RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver
marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute
an imitation controlled substance (RCW
69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property
 (valued at two hundred fifty dollars or more but less
 than one thousand five hundred dollars) (RCW
 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
Arson and Malicious Mischief		
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+
Assault and Other Crimes Involving Physical Harm		
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045)	C+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
Burglary and Trespass		
B+	Burglary 1 (9A.52.020)	C+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E

D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E

Drugs

E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C

Firearms and Weapons

B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

Homicide

A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+

Kidnapping

A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+

Obstructing Governmental Operation

D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+

Public Disturbance

C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E

Sex Crimes

A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B+	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim < 14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+

A-	Child Molestation 1 (9A.44.083)	B+
B	Child Molestation 2 (9A.44.086)	C+

Theft, Robbery, Extortion, and Forgery

B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D

Motor Vehicle Related Crimes

E	Driving Without a License (46.20.005)	E
<u>B+</u>	<u>Hit and Run - Death (46.52.020(4)(a))</u>	<u>C+</u>
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E

Other

B	Bomb Threat (9.61.160)	C
C	Escape 1 ¹ (9A.76.110)	C
C	Escape 2 ¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C	D

	Felony	
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 |52-65 |80-100 |103-129
 WEEKS |WEEKS |WEEKS |WEEKS
 EXCEPT |||
 30-40 |||
 WEEKS FOR |||
 15-17 |||
 YEAR OLDS |||

Current B+ 15-36 |52-65 |80-100 |103-129
 Offense WEEKS |WEEKS |WEEKS |WEEKS
 Category

B LOCAL | |52-65
 SANCTIONS (LS) |15-36 WEEKS |WEEKS

C+ LS |
 |15-36 WEEKS

C LS |15-36 WEEKS
 Local Sanctions: |
 0 to 30 Days

D+ LS 0 to 12 Months Community Supervision
0 to 150 Hours Community Service
D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as ¼ point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(~~(5)~~) (4) and 13.40.165.

OR

OPTION C

MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2)."

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 23, 2000

SSB 6117 Prime Sponsor, Committee on Senate Education: Increasing penalties for persons who interfere with school activities. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Kagi.

MINORITY recommendation: Without recommendation. Signed by Representative Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine and Kagi.

Voting nay: Representative Koster.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 6121 Prime Sponsor, Senator Wojahn: Continuing the diabetes cost reduction act. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

February 24, 2000

SB 6123 Prime Sponsor, Senator B. Sheldon: Authorizing parking and business improvement areas to sponsor public events. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 6138 Prime Sponsor, Senator Johnson: Modifying disclaimer of interests under the probate and trust laws. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 6139 Prime Sponsor, Senator Johnson: Modifying estate tax apportionment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 6140 Prime Sponsor, Senator Johnson: Updating probate and trust laws. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 23, 2000

SSB 6147 Prime Sponsor, Committee on Senate Natural Resources, Parks & Recreation: Creating the Washington state parks gift foundation. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Doumit; Ericksen; Pennington and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives G. Chandler; Clements; Eickmeyer and Rockefeller.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Doumit, Ericksen, Pennington and Stensen.

Voting nay: Representatives G. Chandler, Clements, Eickmeyer and Rockefeller.

Passed to Rules Committee for Second Reading.

February 24, 2000

SB 6154 Prime Sponsor, Senator Costa: Allowing county clerks to accept credit cards. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 1, line 13, after "compensation" insert ", consistent with RCW 36.48.010, 36.48.080, and 36.48.090"

Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 6172 Prime Sponsor, Senator Fraser: Allowing minors to donate bone marrow. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Pennington and Ruderman.

MINORITY recommendation: Without recommendation. Signed by Representative Mulliken.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Pennington and Ruderman.

Voting nay: Representative Mulliken.

Passed to Rules Committee for Second Reading.

February 23, 2000

SSB 6182 Prime Sponsor, Committee on Senate Judiciary: Specifying the effect that changes in law will have on sentencing provisions. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6186 Prime Sponsor, Committee on Senate Judiciary: Revising Article 9 of the Uniform Commercial Code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 6190 Prime Sponsor, Senator Patterson: Promoting expeditious resolution of public use disputes in eminent domain proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald, and Schindler.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6194 Prime Sponsor, Committee on Senate Natural Resources, Parks & Recreation: Attempting to limit the incidents of rural garbage dumping. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.93.030 and 1998 c 257 s 3 are each amended to read as follows:

As used in this chapter unless the context indicates otherwise:

- (1) "Conveyance" means a boat, airplane, or vehicle;
- (2) "Department" means the department of ecology;
- ~~((2))~~ (3) "Director" means the director of the department of ecology;
- ~~((3))~~ (4) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;
- ~~((4))~~ (5) "Junk vehicle" has the same meaning as defined in RCW 46.55.010;
- (6) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited and solid waste that is illegally dumped, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;
- ~~((5))~~ (7) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;
- ~~((6))~~ (8) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;
- ~~((7))~~ (9) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;
- ~~((8))~~ (10) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests;
- (11) "Recycling" means transforming or remanufacturing waste materials into a finished product for use other than landfill disposal or incineration;
- ~~((9))~~ (12) "Recycling center" means a central collection point for recyclable materials;
- ~~((10))~~ (13) "To litter" means a single or cumulative act of disposing of litter;
- (14) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks;
- ~~((11))~~ (15) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials;

~~((42)) (16) "Watercraft" means any boat, ship, vessel, barge, or other floating craft(;~~
~~(13) "Public place" means any area that is used or held out for use by the public whether~~
~~owned or operated by public or private interests)).~~

Sec. 2. RCW 70.93.060 and 1997 c 159 s 1 are each amended to read as follows:

(1) It is a violation of this section to abandon a junk vehicle upon any property located in an unincorporated area of a county. In addition, no person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of said private or public property or waters.

(2)(a) Except as provided in subsection (4) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot in an incorporated area of a county. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(c) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than five cubic yards in an unincorporated area of a county. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(d) It is a gross misdemeanor for a person to litter in an amount of five cubic yards or more in an unincorporated area of a county. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(e) If a junk vehicle is abandoned in violation of this section, RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and the penalties that may be imposed against the person who abandoned the vehicle.

(3) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform twenty-four hours of community service in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW ((43.51.048(2))) 79A.05.050.

(4) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, a cigarette, cigar, or other tobacco product that is capable of starting a fire.

NEW SECTION. Sec. 3. A new section is added to chapter 70.93 RCW to read as follows:

(1) Upon the arrest of a person or upon the filing of a complaint, citation, or information in a court of competent jurisdiction, a peace officer specified under RCW 9A.04.110 may seize without warrant vehicles, conveyances, gear, appliances, or any other items or articles they have probable cause to believe have been used in violation of RCW 70.93.060(2)(d) or 70.95.240(2)(d). However, a

peace officer may not seize any item or article, other than for evidence, if under the circumstances it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to the enforcement agency that seized the property under this section, and is limited to property owned by the person charged with the violation except where specifically provided in this section. Property seized may be recovered by its owner by depositing into court a cash bond equal to the value of the seized property but not more than twenty-five thousand dollars. Such cash bond is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture against property intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon seizure. Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall be made in writing and served on the director within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to the agency that seized the property.

(4) If any person timely serves the administrative head of the enforcement agency that seized the property with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the administrator or the administrator's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the property seized is more than five thousand dollars.

(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in Title 34 RCW. The seizing authority has the burden to demonstrate that it had reason to believe the property was held with intent to violate or was used in violation of RCW 70.93.060(2)(d) or 70.95.240(2)(d). The person contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:

(a) That the property was not held with intent to violate or used in violation of RCW 70.93.060(2)(d) or 70.95.240(2)(d); or

(b) If the property is a conveyance, that the illegal use or planned illegal use of the conveyance occurred without the owner's knowledge or consent, or that the owner acted reasonably to prevent illegal uses of the conveyance.

(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission. No security interest in seized property may be perfected after seizure. A person whose conveyance is subject to forfeiture under this section is prohibited from encumbering, selling, or transferring his or her interest in the conveyance, except as provided in RCW 46.61.5058(1) (a), (b), and (c).

(7) If seized property is forfeited under this section, the enforcement agency may, after full satisfaction of any security interest encumbering the property, retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing the criminal law, or sell such property, and retain the net proceeds and use the proceeds to expand and improve the enforcement agency's litter control activity. Money retained under this section may not be used to supplant preexisting funding sources.

Sec. 4. RCW 70.95.240 and 1998 c 36 s 19 are each amended to read as follows:

(1) After the adoption of regulations or ordinances by any county, city, or jurisdictional board of health providing for the issuance of permits as provided in RCW 70.95.160, it shall be unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under

the surface of the ground or into the waters of this state except at a solid waste disposal site for which there is a valid permit. This section does not:

(a) Prohibit a person from dumping or depositing solid waste resulting from his or her own activities onto or under the surface of ground owned or leased by him or her when such action does not violate statutes or ordinances, or create a nuisance;

(b) Apply to a person using a waste-derived soil amendment that has been approved by the department under RCW 70.95.205; or

(c) Apply to the application of commercial fertilizer that has been registered with the department of agriculture as provided in RCW 15.54.325, and that is applied in accordance with the standards established in RCW 15.54.800(3).

(2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount greater than one cubic foot in an unincorporated area of a county. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(c) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than five cubic yards in an unincorporated area of a county. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the jurisdictional health department investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(d) It is a gross misdemeanor for a person to litter in an amount of five cubic yards or more in an unincorporated area of a county. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the jurisdictional health department investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. A violation of this subsection (2)(d) may result in the seizure and forfeiture of property in accordance with the procedures established in section 3 of this act.

(e) If a junk vehicle is abandoned in violation of this chapter, RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and the penalties that may be imposed against the person who abandoned the vehicle.

Sec. 5. RCW 46.55.230 and 1991 c 292 s 2 are each amended to read as follows:

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction, or any employee or officer of a jurisdictional health department acting pursuant to RCW 70.95.240, or any person authorized by the director shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(6)(a) It is a class 1 civil infraction as defined in RCW 7.80.120 for a person to abandon a junk vehicle on property located in an incorporated area. If a junk vehicle is abandoned in an incorporated area, the landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

(b) It is a misdemeanor for a person to abandon a junk vehicle on property located in an unincorporated area. If a junk vehicle is abandoned in an unincorporated area, the vehicle's registered owner shall also pay a cleanup restitution payment equal to twice the costs incurred in the removal of the junk vehicle. The court shall distribute one-half of the restitution payment to the landowner of the property upon which the junk vehicle is located, and one-half of the restitution payment to the law enforcement agency or jurisdictional health department investigating the incident.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Excused: Representative G. Chandler.

Passed to Rules Committee for Second Reading.

February 25, 2000

2SSB 6199 Prime Sponsor, Committee on Senate Ways & Means: Adopting a patient bill of rights.
Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. PATIENT RIGHTS. It is the intent of the legislature that enrollees covered by health plans receive quality health care designed to maintain and improve their health. The purpose of this act is to ensure that health plan enrollees:

- (1) Have improved access to information regarding their health plans;
- (2) Have sufficient and timely access to appropriate health care services, and choice among health care providers;
- (3) Are assured that health care decisions are made by appropriate medical personnel;

- (4) Have access to a quick and impartial process for appealing plan decisions;
- (5) Are protected from unnecessary invasions of health care privacy; and
- (6) Are assured that personal health care information will be used only as necessary to obtain and pay for health care or to improve the quality of care.

NEW SECTION. Sec. 2. A new section is added to chapter 70.02 RCW to read as follows:
HEALTH INFORMATION PRIVACY. Third-party payors shall not release health care information disclosed under this chapter, except to the extent that health care providers are authorized to do so under RCW 70.02.050.

Sec. 3. RCW 70.02.110 and 1991 c 335 s 402 are each amended to read as follows:
HEALTH INFORMATION PRIVACY. (1) In making a correction or amendment, the health care provider shall:

- (a) Add the amending information as a part of the health record; and
- (b) Mark the challenged entries as corrected or amended entries and indicate the place in the record where the corrected or amended information is located, in a manner practicable under the circumstances.

(2) If the health care provider maintaining the record of the patient's health care information refuses to make the patient's proposed correction or amendment, the provider shall:

- (a) Permit the patient to file as a part of the record of the patient's health care information a concise statement of the correction or amendment requested and the reasons therefor; and
- (b) Mark the challenged entry to indicate that the patient claims the entry is inaccurate or incomplete and indicate the place in the record where the statement of disagreement is located, in a manner practicable under the circumstances.

(3) A health care provider who receives a request from a patient to amend or correct the patient's health care information, as provided in RCW 70.02.100, shall forward any changes made in the patient's health care information or health record, including any statement of disagreement, to any third-party payor or insurer to which the health care provider has disclosed the health care information that is the subject of the request.

Sec. 4. RCW 70.02.900 and 1991 c 335 s 901 are each amended to read as follows:
HEALTH INFORMATION PRIVACY. (1) This chapter does not restrict a health care provider, a third-party payor, or an insurer regulated under Title 48 RCW from complying with obligations imposed by federal or state health care payment programs or federal or state law.

(2) This chapter does not modify the terms and conditions of disclosure under Title 51 RCW and chapters 13.50, 26.09, 70.24, 70.39, 70.96A, 71.05, and 71.34 RCW and rules adopted under these provisions.

NEW SECTION. Sec. 5. HEALTH INFORMATION PRIVACY. (1) Health carriers and insurers shall adopt policies and procedures that conform administrative, business, and operational practices to protect an enrollee's right to privacy or right to confidential health care services granted under state or federal laws.

(2) The commissioner may adopt rules to implement this section after considering relevant standards adopted by national managed care accreditation organizations and the national association of insurance commissioners, and after considering the effect of those standards on the ability of carriers to undertake enrollee care management and disease management programs.

NEW SECTION. Sec. 6. INFORMATION DISCLOSURE. (1) A carrier that offers a health plan may not offer to sell a health plan to an enrollee or to any group representative, agent, employer, or enrollee representative without first offering to provide, and providing upon request, the following information before purchase or selection:

- (a) A listing of covered benefits, including prescription drug benefits, if any, a copy of the current formulary, if any is used, definitions of terms such as generic versus brand name, and policies

regarding coverage of drugs, such as how they become approved or taken off the formulary, and how consumers may be involved in decisions about benefits;

(b) A listing of exclusions, reductions, and limitations to covered benefits, and any definition of medical necessity or other coverage criteria upon which they may be based;

(c) A statement of the carrier's policies for protecting the confidentiality of health information;

(d) A statement of the cost of premiums and any enrollee cost-sharing requirements;

(e) A summary explanation of the carrier's grievance process;

(f) A statement regarding the availability of a point-of-service option, if any, and how the option operates; and

(g) A convenient means of obtaining lists of participating primary care and specialty care providers, including disclosure of network arrangements that restrict access to providers within any plan network. The offer to provide the information referenced in this subsection (1) must be clearly and prominently displayed on any information provided to any prospective enrollee or to any prospective group representative, agent, employer, or enrollee representative.

(2) Upon the request of any person, including a current enrollee, prospective enrollee, or the insurance commissioner, a carrier must provide written information regarding any health care plan it offers, that includes the following written information:

(a) Any documents, instruments, or other information referred to in the medical coverage agreement;

(b) A full description of the procedures to be followed by an enrollee for consulting a provider other than the primary care provider and whether the enrollee's primary care provider, the carrier's medical director, or another entity must authorize the referral;

(c) Procedures, if any, that an enrollee must first follow for obtaining prior authorization for health care services;

(d) A written description of any reimbursement or payment arrangements, including, but not limited to, capitation provisions, fee-for-service provisions, and health care delivery efficiency provisions, between a carrier and a provider or network;

(e) Descriptions and justifications for provider compensation programs, including any incentives or penalties that are intended to encourage providers to withhold services or minimize or avoid referrals to specialists;

(f) An annual accounting of all payments made by the carrier which have been counted against any payment limitations, visit limitations, or other overall limitations on a person's coverage under a plan;

(g) A copy of the carrier's grievance process for claim or service denial and for dissatisfaction with care; and

(h) Accreditation status with one or more national managed care accreditation organizations, and whether the carrier tracks its health care effectiveness performance using the health employer data information set (HEDIS), whether it publicly reports its HEDIS data, and how interested persons can access its HEDIS data.

(3) Each carrier shall provide to all enrollees and prospective enrollees a list of available disclosure items.

(4) Nothing in this section requires a carrier or a health care provider to divulge proprietary information to an enrollee, including the specific contractual terms and conditions between a carrier and a provider.

(5) No carrier may advertise or market any health plan to the public as a plan that covers services that help prevent illness or promote the health of enrollees unless it:

(a) Provides all clinical preventive health services provided by the basic health plan, authorized by chapter 70.47 RCW;

(b) Monitors and reports annually to enrollees on standardized measures of health care and satisfaction of all enrollees in the health plan. The state department of health shall recommend appropriate standardized measures for this purpose, after consideration of national standardized measurement systems adopted by national managed care accreditation organizations and state agencies that purchase managed health care services; and

(c) Makes available upon request to enrollees its integrated plan to identify and manage the most prevalent diseases within its enrolled population, including cancer, heart disease, and stroke.

(6) No carrier may preclude or discourage its providers from informing an enrollee of the care he or she requires, including various treatment options, and whether in the providers' view such care is consistent with the plan's health coverage criteria, or otherwise covered by the enrollee's medical coverage agreement with the carrier. No carrier may prohibit, discourage, or penalize a provider otherwise practicing in compliance with the law from advocating on behalf of an enrollee with a carrier. Nothing in this section shall be construed to authorize a provider to bind a carrier to pay for any service.

(7) No carrier may preclude or discourage enrollees or those paying for their coverage from discussing the comparative merits of different carriers with their providers. This prohibition specifically includes prohibiting or limiting providers participating in those discussions even if critical of a carrier.

(8) Each carrier must communicate enrollee information required in this act by means that ensure that a substantial portion of the enrollee population can make use of the information.

(9) The commissioner may adopt rules to implement this section. In developing rules to implement this section, the commissioner shall consider relevant standards adopted by national managed care accreditation organizations and state agencies that purchase managed health care services.

NEW SECTION. Sec. 7. ACCESS TO APPROPRIATE HEALTH SERVICES. (1) Each enrollee in a health plan must have adequate choice among health care providers.

(2) Each carrier must allow an enrollee to choose a primary care provider who is accepting new enrollees from a list of participating providers. Enrollees also must be permitted to change primary care providers at any time with the change becoming effective no later than the beginning of the month following the enrollee's request for the change.

(3) Each carrier must have a process whereby an enrollee with a complex or serious medical or psychiatric condition may receive a standing referral to a participating specialist for an extended period of time.

(4) Each carrier must provide for appropriate and timely referral of enrollees to a choice of specialists within the plan if specialty care is warranted. If the type of medical specialist needed for a specific condition is not represented on the specialty panel, enrollees must have access to nonparticipating specialty health care providers.

(5) Each carrier shall provide enrollees with direct access to the participating chiropractor of the enrollee's choice for covered chiropractic health care without the necessity of prior referral. Nothing in this subsection shall prevent carriers from restricting enrollees to seeing only providers who have signed participating provider agreements or from utilizing other managed care and cost containment techniques and processes. For purposes of this subsection, "covered chiropractic health care" means covered benefits and limitations related to chiropractic health services as stated in the plan's medical coverage agreement, with the exception of any provisions related to prior referral for services.

(6) Each carrier must provide, upon the request of an enrollee, access by the enrollee to a second opinion regarding any medical diagnosis or treatment plan from a qualified participating provider of the enrollee's choice.

(7) Each carrier must cover services of a primary care provider whose contract with the plan or whose contract with a subcontractor is being terminated by the plan or subcontractor without cause under the terms of that contract for at least sixty days following notice of termination to the enrollees or, in group coverage arrangements involving periods of open enrollment, only until the end of the next open enrollment period. The provider's relationship with the carrier or subcontractor must be continued on the same terms and conditions as those of the contract the plan or subcontractor is terminating, except for any provision requiring that the carrier assign new enrollees to the terminated provider.

(8) Every carrier shall meet the standards set forth in this section and any rules adopted by the commissioner to implement this section. In developing rules to implement this section, the

commissioner shall consider relevant standards adopted by national managed care accreditation organizations and state agencies that purchase managed health care services.

NEW SECTION. Sec. 8. HEALTH CARE DECISIONS. (1) Carriers that offer a health plan shall maintain a documented utilization review program description and written utilization review criteria based on reasonable medical evidence. The program must include a method for reviewing and updating criteria. Carriers shall make clinical protocols, medical management standards, and other review criteria available upon request to participating providers.

(2) The commissioner shall adopt, in rule, standards for this section after considering relevant standards adopted by national managed care accreditation organizations and state agencies that purchase managed health care services.

(3) A carrier shall not be required to use medical evidence or standards in its utilization review of religious nonmedical treatment or religious nonmedical nursing care.

NEW SECTION. Sec. 9. RETROSPECTIVE DENIAL OF SERVICES. (1) A health carrier that offers a health plan shall not retrospectively deny coverage for emergency and nonemergency care that had prior authorization under the plan's written policies at the time the care was rendered.

(2) The commissioner shall adopt, in rule, standards for this section after considering relevant standards adopted by national managed care accreditation organizations and state agencies that purchase managed health care services.

NEW SECTION. Sec. 10. GRIEVANCE PROCESS. (1) Each carrier that offers a health plan must have a fully operational, comprehensive grievance process that complies with the requirements of this section and any rules adopted by the commissioner to implement this section. For the purposes of this section, the commissioner shall consider grievance process standards adopted by national managed care accreditation organizations and state agencies that purchase managed health care services.

(2) Each carrier must process as a complaint an enrollee's expression of dissatisfaction about customer service or the quality or availability of a health service. Each carrier must implement procedures for registering and responding to oral and written complaints in a timely and thorough manner.

(3) Each carrier must provide written notice to an enrollee or the enrollee's designated representative, and the enrollee's provider, of its decision to deny, modify, reduce, or terminate payment, coverage, authorization, or provision of health care services or benefits, including the admission to or continued stay in a health care facility.

(4) Each carrier must process as an appeal an enrollee's written or oral request that the carrier reconsider: (a) Its resolution of a complaint made by an enrollee; or (b) its decision to deny, modify, reduce, or terminate payment, coverage, authorization, or provision of health care services or benefits, including the admission to, or continued stay in, a health care facility. A carrier must not require that an enrollee file a complaint prior to seeking appeal of a decision under (b) of this subsection.

(5) To process an appeal, each carrier must:

(a) Provide written notice to the enrollee when the appeal is received;

(b) Assist the enrollee with the appeal process;

(c) Make its decision regarding the appeal within thirty days of the date the appeal is received.

An appeal must be expedited if the enrollee's provider or the carrier's medical director reasonably determines that following the appeal process response timelines could seriously jeopardize the enrollee's life, health, or ability to regain maximum function. The decision regarding an expedited appeal must be made within seventy-two hours of the date the appeal is received;

(d) Cooperate with a representative authorized in writing by the enrollee;

(e) Consider information submitted by the enrollee;

(f) Investigate and resolve the appeal; and

(g) Provide written notice of its resolution of the appeal to the enrollee and, with the permission of the enrollee, to the enrollee's providers. The written notice must explain the carrier's

decision and the supporting coverage or clinical reasons and the enrollee's right to request independent review of the carrier's decision under section 11 of this act.

(6) Written notice required by subsection (3) of this section must explain:

(a) The carrier's decision and the supporting coverage or clinical reasons; and

(b) The carrier's appeal process, including information, as appropriate, about how to exercise the enrollee's rights to obtain a second opinion, and how to continue receiving services as provided in this section.

(7) When an enrollee requests that the carrier reconsider its decision to modify, reduce, or terminate an otherwise covered health service that an enrollee is receiving through the health plan and the carrier's decision is based upon a finding that the health service, or level of health service, is no longer medically necessary or appropriate, the carrier must continue to provide that health service until the appeal is resolved. If the resolution of the appeal or any review sought by the enrollee under section 11 of this act affirms the carrier's decision, the enrollee may be responsible for the cost of this continued health service.

(8) Each carrier must provide a clear explanation of the grievance process upon request, upon enrollment to new enrollees, and annually to enrollees and subcontractors.

(9) Each carrier must ensure that the grievance process is accessible to enrollees who are limited English speakers, who have literacy problems, or who have physical or mental disabilities that impede their ability to file a grievance.

(10) Each carrier must: Track each appeal until final resolution; maintain, and make accessible to the commissioner for a period of three years, a log of all appeals; and identify and evaluate trends in appeals.

NEW SECTION. Sec. 11. INDEPENDENT REVIEW OF HEALTH CARE DISPUTES. (1)

There is a need for a process for the fair consideration of disputes relating to decisions by carriers that offer a health plan to deny, modify, reduce, or terminate coverage of or payment for health care services for an enrollee.

(2) An enrollee may seek review by a certified independent review organization of a carrier's decision to deny, modify, reduce, or terminate coverage of or payment for a health care service, after exhausting the carrier's grievance process and receiving a decision that is unfavorable to the enrollee, or after the carrier has exceeded the timelines for grievances provided in section 10 of this act, without good cause and without reaching a decision.

(3) The commissioner must establish and use a rotational registry system for the assignment of a certified independent review organization to each dispute. The system should be flexible enough to ensure that an independent review organization has the expertise necessary to review the particular medical condition or service at issue in the dispute.

(4) Carriers must provide to the appropriate certified independent review organization, not later than the third business day after the date the carrier receives a request for review, a copy of:

(a) Any medical records of the enrollee that are relevant to the review;

(b) Any documents used by the carrier in making the determination to be reviewed by the certified independent review organization;

(c) Any documentation and written information submitted to the carrier in support of the appeal; and

(d) A list of each physician or health care provider who has provided care to the enrollee and who may have medical records relevant to the appeal. Health information or other confidential or proprietary information in the custody of a carrier may be provided to an independent review organization, subject to rules adopted by the commissioner.

(5) The medical reviewers from a certified independent review organization will make determinations regarding the medical necessity or appropriateness of, and the application of health plan coverage provisions to, health care services for an enrollee. The medical reviewers' determinations must be based upon their expert medical judgment, after consideration of relevant medical, scientific, and cost-effectiveness evidence, and medical standards of practice in the state of Washington. Except as provided in this subsection, the certified independent review organization must ensure that determinations are consistent with the scope of covered benefits as outlined in the medical coverage

agreement. Medical reviewers may override the health plan's medical necessity or appropriateness standards if the standards are determined upon review to be unreasonable or inconsistent with sound, evidence-based medical practice.

(6) Once a request for an independent review determination has been made, the independent review organization must proceed to a final determination, unless requested otherwise by both the carrier and the enrollee or the enrollee's representative.

(7) Carriers must timely implement the certified independent review organization's determination, and must pay the certified independent review organization's charges.

(8) When an enrollee requests independent review of a dispute under this section, and the dispute involves a carrier's decision to modify, reduce, or terminate an otherwise covered health service that an enrollee is receiving at the time the request for review is submitted and the carrier's decision is based upon a finding that the health service, or level of health service, is no longer medically necessary or appropriate, the carrier must continue to provide the health service if requested by the enrollee until a determination is made under this section. If the determination affirms the carrier's decision, the enrollee may be responsible for the cost of the continued health service.

(9) A certified independent review organization may notify the office of the insurance commissioner if, based upon its review of disputes under this section, it finds a pattern of substandard or egregious conduct by a carrier.

(10)(a) The commissioner shall adopt rules to implement this section after considering relevant standards adopted by national managed care accreditation organizations.

(b) This section is not intended to supplant any existing authority of the office of the insurance commissioner under this title to oversee and enforce carrier compliance with applicable statutes and rules.

NEW SECTION. Sec. 12. A new section is added to chapter 43.70 RCW to read as follows:
INDEPENDENT REVIEW ORGANIZATIONS. (1) The department shall adopt rules providing a procedure and criteria for certifying one or more organizations to perform independent review of health care disputes described in section 11 of this act.

(2) The rules must require that the organization ensure:

(a) The confidentiality of medical records transmitted to an independent review organization for use in independent reviews;

(b) That each health care provider, physician, or contract specialist making review determinations for an independent review organization is qualified. Physicians, other health care providers, and, if applicable, contract specialists must be appropriately licensed, certified, or registered as required in Washington state or in at least one state with standards substantially comparable to Washington state. Reviewers may be drawn from nationally recognized centers of excellence, academic institutions, and recognized leading practice sites. Expert medical reviewers should have substantial, recent clinical experience dealing with the same or similar health conditions. The organization must have demonstrated expertise and a history of reviewing health care in terms of medical necessity, appropriateness, and the application of other health plan coverage provisions;

(c) That any physician, health care provider, or contract specialist making a review determination in a specific review is free of any actual or potential conflict of interest or bias. Neither the expert reviewer, nor the independent review organization, nor any officer, director, or management employee of the independent review organization may have any material professional, familial, or financial affiliation with any of the following: The health carrier; professional associations of carriers and providers; the provider; the provider's medical or practice group; the health facility at which the service would be provided; the developer or manufacturer of a drug or device under review; or the enrollee;

(d) The fairness of the procedures used by the independent review organization in making the determinations;

(e) That each independent review organization make its determination:

(i) Not later than the earlier of:

(A) The fifteenth day after the date the independent review organization receives the information necessary to make the determination; or

(B) The twentieth day after the date the independent review organization receives the request that the determination be made. In exceptional circumstances, when the independent review organization has not obtained information necessary to make a determination, a determination may be made by the twenty-fifth day after the date the organization received the request for the determination; and

(ii) In cases of a condition that could seriously jeopardize the enrollee's health or ability to regain maximum function, not later than the earlier of:

(A) Seventy-two hours after the date the independent review organization receives the information necessary to make the determination; or

(B) The eighth day after the date the independent review organization receives the request that the determination be made;

(f) That timely notice is provided to enrollees of the results of the independent review, including the clinical basis for the determination;

(g) That the independent review organization has a quality assurance mechanism in place that ensures the timeliness and quality of review and communication of determinations to enrollees and carriers, and the qualifications, impartiality, and freedom from conflict of interest of the organization, its staff, and expert reviewers; and

(h) That the independent review organization meets any other reasonable requirements of the department directly related to the functions the organization is to perform under this section and section 11 of this act.

(3) To be certified as an independent review organization under this chapter, an organization must submit to the department an application in the form required by the department. The application must include:

(a) For an applicant that is publicly held, the name of each stockholder or owner of more than five percent of any stock or options;

(b) The name of any holder of bonds or notes of the applicant that exceed one hundred thousand dollars;

(c) The name and type of business of each corporation or other organization that the applicant controls or is affiliated with and the nature and extent of the affiliation or control;

(d) The name and a biographical sketch of each director, officer, and executive of the applicant and any entity listed under (c) of this subsection and a description of any relationship the named individual has with:

(i) A carrier;

(ii) A utilization review agent;

(iii) A nonprofit or for-profit health corporation;

(iv) A health care provider;

(v) A drug or device manufacturer; or

(vi) A group representing any of the entities described by (d)(i) through (v) of this subsection;

(e) The percentage of the applicant's revenues that are anticipated to be derived from reviews conducted under section 11 of this act;

(f) A description of the areas of expertise of the health care professionals and contract specialists making review determinations for the applicant; and

(g) The procedures to be used by the independent review organization in making review determinations regarding reviews conducted under section 11 of this act.

(4) If at any time there is a material change in the information included in the application under subsection (3) of this section, the independent review organization shall submit updated information to the department.

(5) An independent review organization may not be a subsidiary of, or in any way owned or controlled by, a carrier or a trade or professional association of health care providers or carriers.

(6) An independent review organization, and individuals acting on its behalf, are immune from suit in a civil action when performing functions under this act. However, this immunity does not apply to an act or omission made in bad faith or that involves gross negligence.

(7) Independent review organizations must be free from interference by state government in its functioning except as provided in subsection (8) of this section.

(8) The rules adopted under this section shall include provisions for terminating the certification of an independent review organization for failure to comply with the requirements for certification. The department may review the operation and performance of an independent review organization in response to complaints or other concerns about compliance.

(9) In adopting rules for this section, the department shall take into consideration standards for independent review organizations adopted by national accreditation organizations. The department may accept national accreditation or certification by another state as evidence that an organization satisfies some or all of the requirements for certification by the department as an independent review organization.

NEW SECTION. Sec. 13. CARRIER MEDICAL DIRECTOR. Any carrier that offers a health plan and any self-insured health plan subject to the jurisdiction of Washington state shall designate a medical director who is licensed under chapter 18.57 or 18.71 RCW. A health plan or self-insured health plan that offers only religious nonmedical treatment or religious nonmedical nursing care shall not be required to have a medical director.

Sec. 14. RCW 51.04.020 and 1994 c 164 s 24 are each amended to read as follows:

The director shall:

- (1) Establish and adopt rules governing the administration of this title;
- (2) Ascertain and establish the amounts to be paid into and out of the accident fund;
- (3) Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency;
- (4) Supervise the medical, surgical, and hospital treatment to the intent that it may be in all cases efficient and up to the recognized standard of modern surgery;
- (5) Issue proper receipts for moneys received and certificates for benefits accrued or accruing;
- (6) Investigate the cause of all serious injuries and report to the governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department;
- (7) Compile statistics which will afford reliable information upon which to base operations of all divisions under the department;
- (8) Make an annual report to the governor of the workings of the department;
- (9) Be empowered to enter into agreements with the appropriate agencies of other states relating to conflicts of jurisdiction where the contract of employment is in one state and injuries are received in the other state, and insofar as permitted by the Constitution and laws of the United States, to enter into similar agreements with the provinces of Canada; and
- (10) Designate a medical director who is licensed under chapter 18.57 or 18.71 RCW.

Sec. 15. RCW 74.09.050 and 1979 c 141 s 335 are each amended to read as follows:

The secretary shall appoint such professional personnel and other assistants and employees, including professional medical screeners, as may be reasonably necessary to carry out the provisions of this chapter. The medical screeners shall be supervised by one or more physicians who shall be appointed by the secretary or his or her designee. The secretary shall appoint a medical director who is licensed under chapter 18.57 or 18.71 RCW.

NEW SECTION. Sec. 16. A new section is added to chapter 41.05 RCW to read as follows:
HEALTH CARE AUTHORITY MEDICAL DIRECTOR. The administrator shall designate a medical director who is licensed under chapter 18.57 or 18.71 RCW.

NEW SECTION. Sec. 17. CARRIER LIABILITY. (1)(a) A health carrier shall adhere to the accepted standard of care for health care providers under chapter 7.70 RCW when arranging for the provision of medically necessary health care services to its enrollees. A health carrier shall be liable for any and all harm proximately caused by its failure to follow that standard of care when the failure resulted in the denial, delay, or modification of the health care service recommended for, or furnished to, an enrollee.

(b) A health carrier is also liable for damages under (a) of this subsection for harm to an enrollee proximately caused by health care treatment decisions that result from a failure to follow the accepted standard of care made by its:

(i) Employees;
(ii) Agents; or
(iii) Ostensible agents who are acting on its behalf and over whom it has the right to exercise influence or control or has actually exercised influence or control.

(2) The provisions of this section may not be waived, shifted, or modified by contract or agreement and responsibility for the provisions shall be a duty that cannot be delegated. Any effort to waive, modify, delegate, or shift liability for a breach of the duty established by this section, through a contract for indemnification or otherwise, is invalid.

(3) This section does not create any new cause of action, or eliminate any presently existing cause of action, with respect to health care providers and health care facilities that are included in and subject to the provisions of chapter 7.70 RCW.

(4) It is a defense to any action or liability asserted under this section against a health carrier that:

(a) The health care service in question is not a benefit provided under the plan or the service is subject to limitations under the plan that have been exhausted;

(b) Neither the health carrier, nor any employee, agent, or ostensible agent for whose conduct the health carrier is liable under subsection (1)(b) of this section, controlled, influenced, or participated in the health care decision; or

(c) The health carrier did not deny or unreasonably delay payment for treatment prescribed or recommended by a participating health care provider for the enrollee.

(5) This section does not create any liability on the part of an employer, an employer group purchasing organization that purchases coverage or assumes risk on behalf of its employers, or a governmental agency that purchases coverage on behalf of individuals and families. The governmental entity established to offer and provide health insurance to public employees, public retirees, and their covered dependents under RCW 41.05.140 is subject to liability under this section.

(6) Nothing in any law of this state prohibiting a health carrier from practicing medicine or being licensed to practice medicine may be asserted as a defense by the health carrier in an action brought against it under this section.

(7)(a) A person may not maintain a cause of action under this section against a health carrier unless:

(i) The affected enrollee has suffered substantial harm. As used in this subsection, "substantial harm" means loss of life, loss or significant impairment of limb or bodily function, significant disfigurement, or severe or chronic physical pain; and

(ii) The affected enrollee or the enrollee's representative has exercised the opportunity established in section 11 of this act to seek independent review of the health care treatment decision.

(b) This subsection (7) does not prohibit an enrollee from pursuing other appropriate remedies, including injunctive relief, a declaratory judgment, or other relief available under law, if its requirements place the enrollee's health in serious jeopardy.

(8) In an action against a health carrier, a finding that a health care provider is an employee, agent, or ostensible agent of such a health carrier shall not be based solely on proof that the person's name appears in a listing of approved physicians or health care providers made available to enrollees under a health plan.

(9) Any action under this section shall be commenced within three years of the completion of the independent review process.

(10) This section does not apply to workers' compensation insurance under Title 51 RCW.

NEW SECTION. Sec. 18. DELEGATION OF DUTIES. Each carrier is accountable for and must oversee any activities required by this act that it delegates to any subcontractor. No contract with a subcontractor executed by the health carrier or the subcontractor may relieve the health carrier of its obligations to any enrollee for the provision of health care services or of its responsibility for compliance with statutes or rules.

NEW SECTION. **Sec. 19.** APPLICATION. This act applies to: Health plans as defined in RCW 48.43.005 offered, renewed, or issued by a carrier; medical assistance provided under RCW 74.09.522; the basic health plan offered under chapter 70.47 RCW; and health benefits provided under chapter 41.05 RCW.

NEW SECTION. **Sec. 20.** A new section is added to chapter 41.05 RCW to read as follows:
Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of sections 1, 2, 5 through 12, 17, 18, and RCW 70.02.110 and 70.02.900.

Sec. 21. RCW 70.47.130 and 1997 c 337 s 8 are each amended to read as follows:

(1) The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW except:

(a) Benefits as provided in RCW 70.47.070;

(b) Managed health care systems are subject to the provisions of sections 1, 2, 5 through 12, 17, 18, and RCW 70.20.110 and 70.02.900;

(c) Persons appointed or authorized to solicit applications for enrollment in the basic health plan, including employees of the health care authority, must comply with chapter 48.17 RCW. For purposes of this subsection (1)(~~(b)~~) (c), "solicit" does not include distributing information and applications for the basic health plan and responding to questions; and

(~~(c)~~) (d) Amounts paid to a managed health care system by the basic health plan for participating in the basic health plan and providing health care services for nonsubsidized enrollees in the basic health plan must comply with RCW 48.14.0201.

(2) The purpose of the 1994 amendatory language to this section in chapter 309, Laws of 1994 is to clarify the intent of the legislature that premiums paid on behalf of nonsubsidized enrollees in the basic health plan are subject to the premium and prepayment tax. The legislature does not consider this clarifying language to either raise existing taxes nor to impose a tax that did not exist previously.

NEW SECTION. **Sec. 22.** This act may be known and cited as the health care patient bill of rights.

NEW SECTION. **Sec. 23.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 24.** Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 25.** Sections 1, 5 through 11, 13, 17, and 18 of this act are each added to chapter 48.43 RCW.

NEW SECTION. **Sec. 26.** To the extent permitted by law, if any provision of this act conflicts with state or federal law, such provision must be construed in a manner most favorable to the enrollee.

NEW SECTION. **Sec. 27.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 28.** EFFECTIVE DATE. (1) Except as provided in subsections (2) and (3) of this section, this act applies to contracts entered into or renewing after June 30, 2001.

(2) Sections 13, 14, 15, and 16 of this act take effect January 1, 2001.

(3) Section 29 of this act takes effect July 1, 2001.

NEW SECTION. **Sec. 29.** The following acts or parts of acts are each repealed:

- (1) RCW 48.43.075 (Informing patients about their care--Health carriers may not preclude or discourage) and 1996 c 312 s 2; and
- (2) RCW 48.43.095 (Information provided to an enrollee or a prospective enrollee) and 1996 c 312 s 4."

On page 1, line 1 of the title, after "protection;" strike the remainder of the title and insert "amending RCW 70.02.110, 70.02.900, 51.04.020, 74.09.050, and 70.47.130; adding new sections to chapter 48.43 RCW; adding a new section to chapter 70.02 RCW; adding a new section to chapter 43.70 RCW; adding new sections to chapter 41.05 RCW; creating new sections; repealing RCW 48.43.075 and 48.43.095; and providing effective dates."

Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Campbell; Conway; Edmonds; Edwards; Pennington and Ruderman.

MINORITY recommendation: Without recommendation. Signed by Representatives Alexander and Mulliken.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Campbell, Conway, Edmonds, Edwards, Pennington and Ruderman.

Voting nay: Representatives Alexander and Mulliken

Passed to Rules Committee for Second Reading.

February 24, 2000

SB 6206 Prime Sponsor, Senator Spanel: Requiring that schools be notified of firearm violations by students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6210 Prime Sponsor, Committee on Senate Environmental Quality & Water Resources: Making technical and clarifying amendments to oil spill prevention and response statutes. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

On page 36, after line 5, strike sections 27 and 28 and insert the following:

"**Sec. 1.** RCW 43.211.010 and 1992 c 73 s 4 are each amended to read as follows:

(1) There is hereby created (~~(an agency of state government to be known as the office of marine safety. The office)~~) within the department of ecology an oil spill prevention program. For the program, the department shall be vested with all powers and duties transferred to it from the office of

marine safety and such other powers and duties as may be authorized by law. The main administrative office ~~((of))~~ for the ~~((office))~~ program shall be located in the city of Olympia. The ~~((administrator))~~ director may establish administrative facilities in other locations, if deemed necessary for the efficient operation of the ~~((office))~~ program, and if consistent with the principles set forth in subsection (2) of this section.

(2) The ~~((office of marine safety))~~ oil spill prevention program shall be organized consistent with the goals of providing state government with a focus in marine transportation and serving the people of this state. The legislature recognizes that the ~~((administrator))~~ director needs sufficient organizational flexibility to carry out the ~~((office's))~~ program's various duties. To the extent practical, the ~~((administrator))~~ director shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the ~~((office))~~ program;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public; and

(c) Maximum span of control without jeopardizing adequate supervision.

(3) The ~~((office))~~ department, through the program, shall provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment:

(a) Working with other state agencies and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Providing expert advice to the executive and legislative branches of state government;

(c) Providing active and fair enforcement of rules;

(d) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing marine safety measures;

(e) Providing information to the public; and

(f) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the ~~((office))~~ department shall ensure an opportunity for consultation, review, and comment before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the ~~((administrator))~~ director may create such administrative divisions, offices, bureaus, and programs within the ~~((office))~~ program as the ~~((administrator))~~ director deems necessary. The ~~((administrator))~~ director shall have complete charge of and supervisory powers over the ~~((office))~~ program, except where the ~~((administrator's))~~ director's authority is specifically limited by law.

(6) The ~~((administrator))~~ director shall appoint such personnel as are necessary to carry out the duties of the ~~((office))~~ program. In addition to exemptions set forth in RCW 41.06.070~~((28), the administrator, the administrator's confidential secretary, and)~~, up to four professional staff members shall be exempt from the provisions of chapter 41.06 RCW. All other employees of the ~~((office))~~ program shall be subject to the provisions of chapter 41.06 RCW.

(7) The definitions in this section apply throughout this chapter.

(a) "Department" means the department of ecology.

(b) "Director" means the director of the department.

Sec. 2. RCW 43.211.030 and 1992 c 73 s 11 are each amended to read as follows:

In addition to any other powers granted the ~~((administrator))~~ director, the ~~((administrator))~~ director may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(2) Appoint such advisory committees as may be necessary to carry out the provisions of this chapter and chapter 88.46 RCW. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The ~~((administrator))~~ director shall review each advisory committee within the jurisdiction of the ~~((office))~~ program and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed.

The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(4) Delegate powers, duties, and functions of the ~~((office))~~ program to employees of the ~~((office))~~ department as the ~~((administrator))~~ director deems necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(5) Enter into contracts on behalf of the ~~((office))~~ department to carry out the purposes of this chapter and chapter 88.46 RCW;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program for the purposes of this chapter and chapter 88.46 RCW; or

(7) Accept gifts, grants, or other funds.

Sec. 3. RCW 43.211.040 and 1991 c 200 s 407 are each amended to read as follows:

(1) The ~~((administrator))~~ director shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the ~~((administrator))~~ director together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings shall be governed by chapter 34.05 RCW.

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by chapter 34.05 RCW.

Sec. 4. RCW 88.40.011 and 1992 c 73 s 12 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(1) ("~~Administrator~~" means the administrator of the office of marine safety created in RCW 43.211.010.~~

~~(2))~~ ~~(2))~~ "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

~~((3))~~ ~~(2)~~ "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

~~((4))~~ ~~(3)~~ "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

~~((5))~~ ~~(4)~~ "Department" means the department of ecology.

~~((6))~~ ~~(5)~~ "Director" means the director of the department of ecology.

~~((7))~~ ~~(6)(a)~~ "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

~~((8))~~ ~~(7)~~ "Hazardous substances" means any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499. The following are not hazardous substances for purposes of this chapter:

(a) Wastes listed as F001 through F028 in Table 302.4; and

(b) Wastes listed as K001 through K136 in Table 302.4.

~~((9))~~ (8) "Inland barge" means any barge operating on the waters of the state and certified by the coast guard as an inland barge.

~~((10))~~ (9) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

~~((11))~~ "Office" means the office of marine safety established by RCW 43.211.010.

~~((12))~~ (10) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

~~((13))~~ (11) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

~~((14))~~ (12) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

~~((15))~~ (13)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

~~((16))~~ (14) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

~~((17))~~ (15) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

~~((18))~~ (16) "Spill" means an unauthorized discharge of oil into the waters of the state.

~~((19))~~ (17) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

~~((20))~~ (18) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Sec. 5. RCW 88.40.020 and 1992 c 73 s 13 are each amended to read as follows:

(1) Any inland barge that transports hazardous substances in bulk as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish evidence of financial responsibility in the amount of the greater of one million dollars, or one hundred fifty dollars per gross ton of such vessel.

(2)(a) Except as provided in (c) of this subsection, a tank vessel that carries oil as cargo in bulk shall demonstrate financial responsibility to pay at least five hundred million dollars.

(b) The ~~((administrator))~~ director by rule may establish a lesser standard of financial responsibility for barges of three hundred gross tons or less. The standard shall set the level of financial responsibility based on the quantity of cargo the barge is capable of carrying. The ~~((administrator))~~ director shall not set the standard for barges of three hundred gross tons or less below that required under federal law.

(c) The owner or operator of a tank vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under

this section is not required to demonstrate financial responsibility under this chapter. The ~~((administrator))~~ director may require the owner or operator of a tank vessel to prove membership in such an organization.

(3) A cargo vessel or passenger vessel that carries oil as fuel shall demonstrate financial responsibility to pay the greater of at least six hundred dollars per gross ton or five hundred thousand dollars.

(4) The documentation of financial responsibility shall demonstrate the ability of the document holder to meet state and federal financial liability requirements for the actual costs for removal of oil spills, for natural resource damages, and necessary expenses.

(5) The ~~((office))~~ department may by rule set a lesser amount of financial responsibility for a tank vessel that meets standards for construction, propulsion, equipment, and personnel established by the ~~((office))~~ department. The ~~((office))~~ department shall require as a minimum level of financial responsibility under this subsection the same level of financial responsibility required under federal law.

(6) This section shall not apply to a covered vessel owned or operated by the federal government or by a state or local government.

Sec. 6. RCW 88.40.030 and 1991 c 200 s 705 are each amended to read as follows:

Financial responsibility required by this chapter may be established by any one of, or a combination of, the following methods acceptable to the ~~((office of marine safety or the))~~ department of ecology: (1) Evidence of insurance; (2) surety bonds; (3) qualification as a self-insurer; or (4) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States. Documentation of such financial responsibility shall be kept on any covered vessel and filed with the ~~((office))~~ department at least twenty-four hours before entry of the vessel into the navigable waters of the state. A covered vessel is not required to file documentation of financial responsibility twenty-four hours before entry of the vessel into the navigable waters of the state, if the vessel has filed documentation of financial responsibility with the federal government, and the level of financial responsibility required by the federal government is the same as or exceeds state requirements. The owner or operator of the vessel may file with the ~~((office))~~ department a certificate evidencing compliance with the requirements of another state's or federal financial responsibility requirements if the state or federal government requires a level of financial responsibility the same as or greater than that required under this chapter.

Sec. 7. RCW 88.40.040 and 1992 c 73 s 14 are each amended to read as follows:

(1) The ~~((office))~~ department shall deny entry to the waters of the state to any vessel that does not meet the financial responsibility requirements of this chapter. Any vessel owner or operator that does not meet the financial responsibility requirements of this chapter and any rules prescribed thereunder or the federal oil pollution act of 1990 shall be reported by the ~~((office))~~ department to the United States coast guard.

(2) The ~~((office))~~ department shall enforce section 1016 of the federal oil pollution act of 1990 as authorized by section 1019 of the federal act.

Sec. 8. RCW 90.56.310 and 1992 c 73 s 35 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, it shall be unlawful:

(a) For the owner or operator to operate an onshore or offshore facility without an approved contingency plan as required under RCW 90.56.210, a spill prevention plan required by RCW 90.56.200, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990; or

(b) For the owner or operator of an onshore or offshore facility to transfer cargo or passengers to or from a covered vessel that does not have an approved contingency plan or an approved prevention plan required under chapter 88.46 RCW or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990.

(2) The department may assess a civil penalty under RCW 43.21B.300 of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility or person is in violation of this section shall be considered a separate violation.

(3) It shall not be unlawful for a facility or other person to operate or accept cargo or passengers from a covered vessel if:

(a) A contingency plan, a prevention plan, or financial responsibility is not required for the facility; or

(b) A contingency and prevention plan has been submitted to the department as required by this chapter and rules adopted by the department and the department is reviewing the plan and has not denied approval.

(4) Any person may rely on a copy of the statement issued by the department pursuant to RCW 90.56.210(7) as evidence that the facility has an approved contingency plan and the statement issued pursuant to RCW 90.56.200(4) as evidence that the facility has an approved spill prevention plan. Any person may rely on a copy of the statement issued by the office of marine safety, or its successor agency, the department, pursuant to RCW 88.46.060 as evidence that the vessel has an approved contingency plan and the statement issued pursuant to RCW 88.46.040 as evidence that the vessel has an approved prevention plan.

Sec. 9. RCW 43.211.005 and 1997 c 449 s 1 are each amended to read as follows:

(1) The legislature declares that Washington's waters have irreplaceable value for the citizens of the state. These waters are vital habitat for numerous and diverse marine life and wildlife and the source of recreation, aesthetic pleasure, and pride for Washington's citizens. These waters are also vital for much of Washington's economic vitality.

The legislature finds that the transportation of oil on these waters creates a great potential hazard to these important natural resources. The legislature also finds that there is no state agency responsible for maritime safety to ensure this state's interest in preserving these resources.

~~((The legislature therefore finds that in order to protect these waters it is necessary to establish an office of marine safety which will have the responsibility to promote the safety of marine transportation in Washington.))~~

(2) The legislature finds that adequate funding is necessary for the state to continue its priority focus on the prevention of oil spills, as well as maintain a strong oil spill response, planning, and environmental restoration capability. The legislature further finds that ~~((the))~~ the long-term environmental health of the state's waters depends upon the strength and vitality of its oil spill prevention and response program that fosters planning, coordination, and incident command. To that end, the merger of the office of marine safety with the department of ecology shall: Ensure coordination via streamlining the marine safety functions of two agencies into one; provide a focused prevention and response program under a single administration; generate efficient incident command response capability and continue to meet the challenges threatening marine safety and the environment; and increase accountability to the public, the executive branch, and the legislature.

(3) It is the intent of the legislature that the state's oil spill prevention, response, planning, and environmental restoration activities be sufficiently funded to maintain a strong prevention and response program. It is further the intent of the legislature that the merger of the office of marine safety with the department of ecology be accomplished in an organizational manner that maintains a priority focus and position for the oil spill prevention and response program. The merger shall allow for ready identification of the program by the public and ensure no diminution in the state's commitment to marine safety and environmental protection as follows:

(a) The director of the department of ecology shall consolidate all of the agency's oil spill prevention, planning, and response programs and personnel into a division or equivalent unit of organization within the department. The division shall be managed by a single administrator who is an assistant director or person of equivalent status in the department's organization. The administrator shall report directly to the director.

(b) The consolidated oil spill program unit within the department shall maintain prevention of oil spills as a specific program.

(c) The department shall identify and participate in resolving threats to safety of marine transportation and the impact of marine transportation on the environment.

NEW SECTION. **Sec. 10.** The following acts or parts of acts are each decodified:

- (1) RCW 43.21I.005 (Findings--Consolidation of oil spill programs--Administrator of consolidated oil spill program);
- (2) RCW 88.46.150 (Tow boat standards--Study);
- (3) RCW 88.46.924 (Continuation of rules, pending business, and obligations);
- (4) RCW 88.46.925 (Prior acts valid); and
- (5) RCW 88.46.927 (Collective bargaining agreements not altered).

NEW SECTION. **Sec. 11.** The following acts or parts of acts are each repealed:

- (1) RCW 88.46.140 (Unified and consistent planning) and 1991 c 200 s 428;
- (2) RCW 90.56.903 (Report on implementation) and 1991 c 200 s 1109; and
- (3) RCW 88.46.922 (Transfer of property and appropriations) and 1991 c 200 s 431."

On page 1, line 6 of the title, after "90.56.560," strike the remainder of the title and insert "82.23B.020, 43.21I.010, 43.21I.030, 43.21I.040, 88.40.011, 88.40.020, 88.40.030, 88.40.040, 90.56.310, and 43.21I.005; creating a new section; decodifying RCW 43.21I.005, 88.46.150, 88.46.924, 88.46.925, and 88.46.927; and repealing RCW 88.46.140, 90.56.903, and 88.46.922."

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6213 Prime Sponsor, Committee on Senate Health & Long-Term Care: Requiring guidelines for the response of emergency medical personnel to directives. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Passed to Rules Committee for Second Reading.

February 24, 2000

ESSB 6217 Prime Sponsor, Committee on Senate Human Services & Corrections: Changing provisions relating to dependent children. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.030 and 1999 c 267 s 6 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

~~((2))~~ (3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home~~((;))~~; (b) an adoption decree, a permanent custody order, or guardianship order is entered~~((;))~~; or (c) the dependency is dismissed, whichever occurs ~~((soonest))~~ first. ~~((If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.~~

~~((3))~~ (4) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to ~~((RCW 13.34.232))~~ this chapter for the limited purpose of assisting the court in the supervision of the dependency.

~~((4))~~ (5) "Dependent child" means any child who:

(a) ~~((Who))~~ Has been abandoned; ~~((that is, where the child's parent, guardian, or other custodian has expressed either by statement or conduct, an intent to forego, for an extended period, parental rights or parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;))~~

(b) ~~((Who))~~ Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) ~~((Who))~~ Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

~~((5))~~ (6) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

(7) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

~~((6))~~ (8) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

~~((7))~~ (9) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent.

Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

~~((8))~~ (10) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(11) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((9))~~ (12) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

(13) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(14) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 2. RCW 13.34.040 and 1977 ex.s. c 291 s 32 are each amended to read as follows:

(1) Any person may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent child and ~~((praying))~~ requesting that the superior court deal with such child as provided in this chapter ~~((: PROVIDED, That))~~. There shall be no fee for filing such petitions.

(2) In counties having paid probation officers, ((such)) these officers shall, ((as far as)) to the extent possible, first determine if ((such)) a petition is reasonably justifiable. ((Such)) Each petition shall be verified and ((shall)) contain a statement of facts constituting ((such)) a dependency, ((as defined in this chapter,)) and the names and residence, if known to the petitioner, of the parents, guardian, or custodian of ((such)) the alleged dependent child. ~~((There shall be no fee for filing such petitions.))~~

Sec. 3. RCW 13.34.050 and 1998 c 328 s 1 are each amended to read as follows:

(1) The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if: (a) A petition is filed with the juvenile court alleging that the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody; (b) an affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing reasonable grounds that the child's health, safety, and welfare will be seriously endangered if not taken into custody and at least one of the grounds set forth demonstrates a risk of imminent harm to the child. "Imminent harm" for purposes of this section shall include, but not be limited to, circumstances of sexual abuse, or sexual exploitation as defined in RCW 26.44.020; and (c) the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

(2) Any petition that does not have the necessary affidavit or declaration demonstrating a risk of imminent harm requires that the parents are provided notice and an opportunity to be heard ~~((by the parents))~~ before the order may be entered.

(3) The petition and supporting documentation must be served on the parent, and ~~((the entity with whom))~~ if the child is in custody at the time the child is removed, on the entity with custody other than the parent. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found.

Sec. 4. RCW 13.34.060 and 1999 c 17 s 2 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. ~~(("Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section.))~~

(a) Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care shall be with any person described in RCW 74.15.020(2)(a). The person must be willing and available to care for the child and be able to meet any special needs of the child. If a child is not initially placed with a relative pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative on the next business day after the child is taken into custody. The supervising agency shall document its effort to place the child with a relative pursuant to this section. Nothing within this subsection (1)(a) establishes an entitlement to services or a right to a particular placement.

(b) Whenever a child is taken into ~~((such))~~ custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, ~~((that))~~ whether such waiver is knowing and voluntary.

(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event ~~((longer))~~ shall notice be provided more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any

means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

~~((The written notice of custody and rights shall be in substantially the following form:~~

~~"NOTICE~~

~~Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.~~

~~1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.~~

~~2. You have the right to have a lawyer represent you at the hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court appointed lawyer you must contact: (explain local procedure).~~

~~3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.~~

~~4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.~~

~~You should be present at this hearing. If you do not come, the judge will not hear what you have to say.~~

~~You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number)."~~

~~Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.~~

~~If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.~~

~~(3) If child protective services is not required to give notice under subsection (2) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.~~

~~(4) Reasonable efforts to advise and to give notice, as required in subsections (2) and (3) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the juvenile court counselor or caseworker shall testify at the hearing or state in a declaration:~~

~~(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and~~

~~(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.~~

~~(5) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived in court.~~

~~(6) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under subsections (2) and (3) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.~~

~~(7) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging dependency has been filed by the department of social and health services, unless otherwise ordered by the court.~~

~~(8) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:~~

~~(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and~~

~~(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or~~

~~(ii) The release of such child would present a serious threat of substantial harm to such child; or~~

~~(iii) The parent, guardian, or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.~~

~~If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to subsection (1) of this section, the court shall order continued placement with a relative, unless there is reasonable cause to believe the safety or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to subsection (1) of this section. If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether subsections (2) and (3) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.~~

~~(9) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.~~

~~The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent and give weight to that fact before ordering return of the child to shelter care.~~

~~(10) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.~~

~~(11) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. The hearing shall be held within seventy two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.)~~

NEW SECTION. **Sec. 5.** A new section is added to chapter 13.34 RCW to read as follows:

(1) The written notice of custody and rights required by RCW 13.34.060 shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number)."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(2) If child protective services is not required to give notice under RCW 13.34.060(2) and subsection (1) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) Reasonable efforts to advise and to give notice, as required in RCW 13.34.060(2) and subsections (1) and (2) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(4) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to

the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5) A shelter care order issued pursuant to section 7 of this act may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(6) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

At the commencement of the shelter care hearing the court shall advise the parties of basic rights as provided in RCW 13.34.090 and appoint counsel pursuant to RCW 13.34.090 if the parent or guardian is indigent unless counsel has been retained by the parent or guardian or the court finds that the right to counsel has been expressly and voluntarily waived in court.

NEW SECTION. Sec. 7. A new section is added to chapter 13.34 RCW to read as follows:

(1) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department.

(2) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized. If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

(3) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent and give weight to that fact before ordering return of the child to shelter care.

Sec. 8. RCW 13.34.070 and 1993 c 358 s 1 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. ~~((Where))~~ When the custodian is summoned, the parent or guardian or both shall also be served with a summons. The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances ~~((do))~~ exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel. The summons shall also inform the child's parent, guardian, or legal custodian of his or ~~((her))~~ her right to appointed counsel, if indigent, and of the procedure to use to secure appointed counsel.

(4) The summons shall advise the parents that they may be held responsible for the support of the child if the child is placed in out-of-home care.

(5) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him or her to the place of shelter designated by the court.

(7) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (5) or (6) of this section, and if the person fails to abide by the order, he or she may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
VIOLATION OF THIS ORDER
IS SUBJECT TO PROCEEDING
FOR CONTEMPT OF COURT
PURSUANT TO RCW 13.34.070.

(8) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy ~~((thereof))~~ by certified mail as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy ~~((thereof))~~ to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(9) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department ~~((of social and health services social worker))~~ employee.

(10) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member or is eligible to be a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 9. RCW 13.34.080 and 1990 c 246 s 3 are each amended to read as follows:

~~((In a dependency case where it appears by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a nonresident of this state, or that the name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in RCW 13.34.070, and a copy of the notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence,))~~ (1) The court shall direct the clerk to publish notice in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, with the first publication of the notice to be at least twenty-five days prior to the date fixed for the hearing when it appears by the petition or verified statement that:

(a)(i) The parent or guardian is a nonresident of this state; or

(ii) The name or place of residence or whereabouts of the parent or guardian is unknown; and

(b) After due diligence, the person attempting service of the summons or notice provided for in RCW 13.34.070 has been unable to make service, and a copy of the notice has been deposited in the post office, postage prepaid, directed to such person at his or her last known place of residence. If the parent, guardian, or legal custodian is believed to be a resident of another state or a county other than the county in which the petition has been filed, notice also shall be published in the county in which the parent, guardian, or legal custodian is believed to reside.

~~((Additionally,))~~ (2) Publication may proceed simultaneously with efforts to provide ~~((personal))~~ service in person or ~~((service))~~ by mail ~~((for good cause shown))~~, when the court determines there is reason to believe that ~~((personal))~~ service in person or ~~((service))~~ by mail will not be successful. ~~((Such))~~ Notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known~~((, or))~~. If their names are unknown, the phrase "To whom it may concern" shall be used ~~((and))~~, apply to, and be binding upon, ~~((any such))~~ those persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition, the date of hearing, and the object of the proceeding in general terms shall be set forth~~((, and the whole shall be subscribed by the clerk))~~. There shall be filed with the clerk an affidavit showing due publication of the notice~~((, and))~~. The cost of publication shall be paid by the county at a rate not ~~((to exceed))~~ greater than the rate paid ~~((by the county))~~ for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

Sec. 10. RCW 13.34.090 and 1998 c 328 s 3 and 1998 c 141 s 1 are each reenacted and amended to read as follows:

(1) Any party has a right to be represented by an attorney in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

(2) At all stages of a proceeding in which a child is alleged to be dependent ~~((as defined in RCW 13.34.030(4)))~~, the child's parent, guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency ~~((as defined in chapter 10.101 RCW))~~.

(3) If a party to an action under this chapter is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel.

(4) Copies of department of social and health services or supervising agency records to which parents have legal access pursuant to chapter 13.50 RCW shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, prior to any shelter care hearing and within fifteen days after the department or supervising agency receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel. These records shall be provided to the child's parents, guardian, legal custodian, or legal counsel a reasonable period of time prior to the shelter care hearing in order to allow an opportunity to review the records prior to the hearing. These records shall be legible and shall be provided at no expense to the parents, guardian, legal custodian, or his or her counsel. When the records are served on legal counsel, legal counsel shall have the opportunity to review the records with the parents and shall review the records with the parents prior to the shelter care hearing.

Sec. 11. RCW 13.34.110 and 1995 c 313 s 1 and 1995 c 311 s 27 are each reenacted and amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor ~~((, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact finding hearing or at a continued hearing within fourteen days or longer for good cause shown)).~~ Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: (1) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; (2) are known to the department as having been in contact with the family or child within the past twelve months; and (3) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. ~~((Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.~~

~~All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court.~~

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

NEW SECTION. **Sec. 12.** A new section is added to chapter 13.34 RCW to read as follows:

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court.

The public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court.

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

Sec. 13. RCW 13.34.120 and 1998 c 328 s 4 are each amended to read as follows:

~~((1))~~ To aid the court in its decision on disposition, a social study ~~(, consisting of a written evaluation of matters relevant to the disposition of the case,)~~ shall be made by the person or agency filing the petition. A parent may submit a counselor's or health care provider's evaluation of the parent, which shall either be included in the social study or considered in conjunction with the social study. The study shall include all social ~~(records)~~ files and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocate's report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the ~~(community service)~~ local office closest to the parents' residence. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

~~((2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(4) (b) or (c) shall contain the following information:~~

~~(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;~~

~~(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify services chosen and approved by the parent;~~

~~(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;~~

~~(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;~~

~~(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and~~

~~(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.-))~~

NEW SECTION. **Sec. 14.** A new section is added to chapter 13.34 RCW to read as follows:

If the most recent date that a child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care occurred prior to the filing of a dependency petition or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of the child's current placement episode.

Sec. 15. RCW 13.34.130 and 1999 c 267 s 16, 1999 c 267 s 9, and 1999 c 173 s 3 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the ~~((predisposition report))~~ social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In ~~((selecting a program))~~ determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy ~~((, provided that the services))~~ and are adequate to protect the child.

(b) Order ~~((that))~~ the child to be removed from his or her home and ~~((ordered))~~ into the custody, control, and care of a relative or the department ~~((of social and health services))~~ or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (i) Related to the child as defined in RCW 74.15.020(2)(a) ~~((and))~~ with whom the child has a relationship and is comfortable~~((;))~~; and ~~((who is))~~ (ii) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

~~((i))~~ (a) There is no parent or guardian available to care for such child;

~~((ii))~~ (b) The parent, guardian, or legal custodian is not willing to take custody of the child;

or

~~((iii))~~ (c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger~~((; or~~

~~((iv))~~ The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home).

~~((2))~~ (3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the ~~((court finds: (a) Termination is recommended by the supervising agency; (b) termination is in the best interests of the child; and (c) that because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interest of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:~~

~~((i))~~ Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

~~((ii))~~ Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

~~((iii))~~ Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

~~(iv) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;~~

~~(v) Conviction of the parent of attempting, soliciting, or conspiracy to commit a crime listed in (c)(i), (ii), (iii), or (iv) of this subsection;~~

~~(vi) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;~~

~~(vii) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;~~

~~(viii) An infant under three years of age has been abandoned as defined in RCW 13.34.030(4)(a);~~

~~(ix) The mother has given birth to three or more drug affected infants, resulting in the department filing a petition under section 23, chapter 314, Laws of 1998;~~

~~(x) Conviction of the parent of a sex offense under chapter 9A.44 RCW or incest under RCW 9A.64.020 when the child is born of the offense.~~

~~(3) If reasonable efforts are not ordered under subsection (2) of this section a permanency planning hearing shall be held within thirty days. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.~~

~~(4) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:~~

~~(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; and independent living, if appropriate and if the child is age sixteen or older; or a responsible living skills program. Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial affairs and to manage his or her personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.~~

~~(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.~~

~~(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.~~

~~(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.~~

~~(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.~~

~~(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the~~

department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

~~(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.~~

~~(5) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.~~

~~(6)) requirements of section 16 of this act are met.~~

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

~~((7) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.~~

~~(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.~~

~~(b) If the child is not returned home, the court shall establish in writing:~~

~~(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;~~

~~(ii) Whether the child has been placed in the least restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;~~

~~(iii) Whether there is a continuing need for placement and whether the placement is appropriate;~~

~~(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;~~

~~(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;~~

~~(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;~~

~~(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and~~

~~(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.~~

~~(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.~~

~~(8) The court's ability to order housing assistance under this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.)~~

NEW SECTION. Sec. 16. A new section is added to chapter 13.34 RCW to read as follows:

A court may order that a petition seeking termination of the parent and child relationship be filed if the following requirements are met:

(1) The court has removed the child from his or her home pursuant to RCW 13.34.130;

(2) Termination is recommended by the supervising agency;

(3) Termination is in the best interests of the child; and

(4) Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interests of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) Conviction of the parent of attempting, soliciting, or conspiring to commit a crime listed in (a), (b), (c), or (d) of this subsection;

(f) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(g) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in the Indian Child Welfare Act, P.L. 95-608 (25 U.S.C. Sec. 1903), the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(h) An infant under three years of age has been abandoned;

(i) Conviction of the parent, when a child has been born of the offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest under RCW 9A.64.020.

NEW SECTION. Sec. 17. A new section is added to chapter 13.34 RCW to read as follows:

If reasonable efforts are not ordered under section 16 of this act, a permanency planning hearing shall be held within thirty days of the court order to file a petition to terminate parental rights. Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

NEW SECTION. Sec. 18. A new section is added to chapter 13.34 RCW to read as follows:

(1) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(3), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(3), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed.

(2) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

NEW SECTION. Sec. 19. A new section is added to chapter 13.34 RCW to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2) The court's ability to order housing assistance under RCW 13.34.130 and this section is:

(a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

Sec. 20. RCW 13.34.145 and 1999 c 267 s 17 are each amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(d) For purposes related to permanency planning:

(i) "Guardianship" means a dependency guardianship (~~(pursuant to this chapter)~~), a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.

(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.

(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial ~~((affairs and to manage his or her))~~, personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(3) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(4) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in subsection (3) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(5) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(6) At the permanency planning hearing, the court shall enter findings as required by ~~((RCW 13.34.130(7)))~~ section 19 of this act and shall review the permanency plan prepared by the agency. If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and ~~((13.34.130(7)))~~ section 19 of this act. If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not ~~((yet))~~ been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to ~~((RCW 13.34.130(7)))~~ section 19 of this act, and the court shall determine the need for continued intervention.

(8) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when~~((,))~~: (a) The court has ordered implementation of a permanency plan that includes legal guardianship or permanent legal custody~~((,))~~; and (b) the party pursuing the legal guardianship or permanent legal custody is the party identified in the permanency plan as the prospective legal guardian or custodian. During the pendency of such proceeding, ~~((juvenile))~~ the court shall conduct review hearings and further permanency

planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Except as ~~((otherwise))~~ provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with ~~((RCW 13.34.130(7)))~~ section 19 of this act, until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

(13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 21. RCW 13.34.165 and 1998 c 296 s 38 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is civil contempt of court as provided in RCW 7.21.030(2)(e).

(2) The maximum term of ~~((imprisonment))~~ confinement that may be imposed as a remedial sanction for contempt of court under this section is confinement for up to seven days.

(3) A child ~~((imprisoned))~~ held for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.

(5) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.

Sec. 22. RCW 13.34.170 and 1981 c 195 s 9 are each amended to read as follows:

In any case in which ~~((an order or decree of))~~ the ~~((juvenile))~~ court ~~((requiring))~~ has ordered a parent or parents, guardian, or other person having custody of a child to pay ~~((for shelter care and/or))~~ support ~~((of such child is))~~ under RCW 13.34.160 and the order has not been complied with, the court may, upon such person or persons being duly summoned or voluntarily appearing, proceed to inquire into the amount due upon ~~((said))~~ the order ~~((or decree))~~ and enter judgment for ~~((such))~~ that amount against the defaulting party or parties, and ~~((such))~~ the judgment shall be docketed as are other judgments for the payment of money.

In such judgments, the county in which the ~~((same are))~~ order is entered shall be ~~((denominated))~~ the judgment creditor, or the state may be the judgment creditor where the child is in the custody of a state agency ~~((and said))~~. Judgments may be enforced by the prosecuting attorney of ~~((such))~~ the county, or the attorney general where the state is the judgment creditor and any moneys

recovered (~~thereon~~) shall be paid into the registry of the juvenile court and shall be disbursed to such person, persons, agency, or governmental department as the court (~~shall find to be~~) finds is entitled (~~thereto~~) to it.

Such judgments shall remain (~~as~~) valid and enforceable (~~judgments~~) for a period of ten years (~~subsequent to the~~) after the date of entry (~~thereof~~).

Sec. 23. RCW 13.34.174 and 1993 c 412 s 5 are each amended to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (a) Type of treatment;
- (b) Nature of treatment;
- (c) Length of treatment;
- (d) A treatment time schedule; and
- (e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate (~~plan of~~) treatment plan. The (~~plan of~~) treatment plan must be signed by (~~the~~) the treatment provider and the affected person. The initial written progress report based on the treatment plan (~~and response to treatment~~) shall be sent to the appropriate persons six weeks after initiation of treatment (~~and~~). Subsequent progress reports shall be provided after three months, (~~after~~) six months, (~~after~~) twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed with the court in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

(~~The~~) Each report (~~with the treatment plan~~) shall also be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, the supervising child-placing agency if any, and the person or person's counsel regarding (~~the~~) the person's cooperation with the treatment plan proposed (~~and~~) and (~~the~~) the person's progress in treatment.

(4) (~~In addition,~~) If (~~the party~~) a person subject to this section fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, the supervising child-placing agency if any, and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

Sec. 24. RCW 13.34.176 and 1993 c 412 s 6 are each amended to read as follows:

(1) The court (~~or the department~~), upon receiving a report under RCW 13.34.174(4) or at the department's request, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 25. RCW 13.34.180 and 1998 c 314 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

~~((1))~~ (a) That the child has been found to be a dependent child ~~((under RCW 13.34.030(4)))~~; ~~((and~~

~~((2))~~ (b) That the court has entered a dispositional order pursuant to RCW 13.34.130; ~~((and~~

~~((3))~~ (c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency ~~((under RCW 13.34.030(4)))~~; ~~((and~~

~~((4))~~ (d) That the services ordered under ~~((RCW 13.34.130))~~ section 18 of this act have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided; ~~((and~~

~~((5))~~ (e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

~~((6))~~ (i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

~~((7))~~ (ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

~~((8))~~ (f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home~~((; or))~~.

~~((9))~~ (2) In lieu of the allegations in subsection~~((s))~~ (1) ~~((through (6)))~~ of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found~~((; or))~~.

~~((10))~~ (3) In lieu of the allegations in subsection~~((s (2) through (6)))~~ (1)(b) through (f) of this section, the petition may allege that the parent has been ~~((found by a court of competent jurisdiction))~~ convicted of:

(a) ~~((To have committed, against another child of such parent,))~~ Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) ~~((To have committed, against another child of such parent,))~~ Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) ~~((To have attempted, conspired, or solicited))~~ Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) ~~((To have committed))~~ Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Sec. 26. RCW 13.34.190 and 1998 c 314 s 5 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110 or 13.34.130, the court may enter an order terminating all parental rights to a child only if the court finds that:

(1)(a) The allegations contained in the petition as provided in RCW 13.34.180(1) (~~through (6))~~) are established by clear, cogent, and convincing evidence; or

(b) (~~RCW 13.34.180 (3) and (4) may be waived because the allegations under~~) The provisions of RCW 13.34.180 (1)(~~(, (2), (5), and (6))~~) (a), (b), (e), and (f) are established beyond a reasonable doubt and if so, then RCW 13.34.180(1) (c) and (d) may be waived. When an infant has been abandoned, as defined in RCW 13.34.030, and the abandonment has been proved beyond a reasonable doubt, then RCW 13.34.180(1) (c) and (d) may be waived; or

(c) The allegation under RCW 13.34.180(~~(7))~~) (2) is established beyond a reasonable doubt. In determining whether RCW 13.34.180 (~~((5) and (6))~~) (1) (e) and (f) are established beyond a reasonable doubt, the court shall consider whether one or more of the aggravated circumstances listed in (~~RCW 13.34.130(2))~~) section 16 of this act exist; or

(d) The allegation under RCW 13.34.180(~~((8))~~) (3) is established beyond a reasonable doubt; and

(2) Such an order is in the best interests of the child.

Sec. 27. RCW 13.34.200 and 1977 ex.s. c 291 s 48 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that (~~(a native American))~~ an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

Sec. 28. RCW 13.34.210 and 1991 c 127 s 6 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department (~~(of social and health services)~~) or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption (~~(, or in the absence thereof)~~). If an adoptive home has not been identified, the department or agency shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a (~~general guardian~~) guardianship of the child under RCW 13.34.231 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been ((appointed)) entered by the court, ((the child shall be returned to the court for entry of further orders for his or her care, custody, and control, and, except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW,)) the court shall review the case every six months (~~(thereafter)~~) until a decree of adoption is entered except for those cases which are reviewed by a citizen review board under chapter 13.70 RCW.

Sec. 29. RCW 13.34.231 and 1994 c 288 s 6 are each amended to read as follows:

At the hearing on a dependency guardianship petition, all parties have the right to present evidence and cross examine witnesses. The rules of evidence apply to the conduct of the hearing. A guardianship shall be established if the court finds by a preponderance of the evidence that:

- (1) The child has been found to be a dependent child under RCW 13.34.030;
- (2) A dispositional order has been entered pursuant to RCW 13.34.130;
- (3) The child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030;
- (4) The services ordered under RCW 13.34.130 and section 18 of this act have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided;
- (5) There is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and
- (6) A guardianship, rather than termination of the parent-child relationship or continuation of efforts to return the child to the custody of the parent, would be in the best interest of the child.

Sec. 30. RCW 13.34.233 and 1995 c 311 s 24 are each amended to read as follows:

(1) Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship order (~~(under RCW 13.34.150)~~). Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice (~~(shall)~~) in all cases shall be served upon the department (~~(of social and health services)~~). If the department was not previously a party to the guardianship proceeding, the department shall nevertheless have the right to: (a) Initiate a proceeding to modify or terminate a guardianship; and ((the right to)) (b) intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party or the department if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department (~~(of social and health services)~~) or a licensed child-placing agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that ~~((a))~~ reasons for removal as set forth in RCW 13.34.130 no longer exist~~((s))~~ and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in ~~((RCW 13.34.130(5)))~~ section 19 of this act and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 31. RCW 13.34.235 and 1981 c 195 s 6 are each amended to read as follows:

A dependency guardianship (~~(established under RCW 13.34.231 and 13.34.232)~~) is not subject to the review hearing requirements of ~~((RCW 13.34.130))~~ section 19 of this act unless ordered by the court under RCW 13.34.232(1)(e).

Sec. 32. RCW 13.34.260 and 1990 c 284 s 25 are each amended to read as follows:

In an attempt to minimize the inherent intrusion in the lives of families involved in the foster care system and to maintain parental authority where appropriate, the department, absent good cause, shall follow the wishes of the natural parent regarding the placement of the child. Preferences such as family constellation, ethnicity, and religion shall be ~~((given consideration))~~ considered when matching children to foster homes. Parental authority is appropriate in areas that are not connected with the abuse or neglect that resulted in the dependency and ~~((should))~~ shall be integrated through the foster care team. For purposes of this section, "foster care team" means the foster parent currently providing care, the currently assigned social worker, and the parent or parents.

Sec. 33. RCW 13.34.270 and 1998 c 229 s 2 are each amended to read as follows:

(1) Whenever the department (~~(of social and health services)~~) places a ~~((developmentally disabled))~~ child with a developmental disability in out-of-home care pursuant to RCW 74.13.350, the department shall obtain a judicial determination within one hundred eighty days of the placement that continued placement is in the best interests of the child. If the child's out-of-home placement ends before one hundred eighty days have elapsed, no judicial determination is required.

(2) To obtain the judicial determination, the department shall file a petition alleging that there is located or residing within the county a child who has a developmental disability~~((, as defined in RCW 71A.10.020,))~~ and that the child has been placed in out-of-home care pursuant to RCW 74.13.350. The petition shall request that the court review the child's placement, make a determination ~~((that))~~ whether continued placement is in the best interests of the child, and take other necessary action as provided in this section. The petition shall contain the name, date of birth, and residence of the child and the names and residences of the child's parent or legal guardian who has agreed to the child's placement in out-of-home care. Reasonable attempts shall be made by the department to ascertain and set forth in the petition the identity, location, and custodial status of any parent who is not a party to the placement agreement and why that parent cannot assume custody of the child.

(3) Upon filing of the petition, the clerk of the court shall schedule the petition for a hearing to be held no later than fourteen calendar days after the petition has been filed. The department shall provide notification of the time, date, and purpose of the hearing to the parent or legal guardian who has agreed to the child's placement in out-of-home care. The department shall also make reasonable attempts to notify any parent who is not a party to the placement agreement, if the parent's identity and location is known. Notification under this section may be given by the most expedient means, including but not limited to, mail, personal service, and telephone~~((, and telegraph))~~.

(4) The court shall appoint a guardian ad litem for the child as provided in RCW 13.34.100, unless the court for good cause finds the appointment unnecessary.

(5) Permanency planning hearings shall be held as provided in this ~~((subsection))~~ section. At the hearing, the court shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

(a) For children age ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree or guardianship order under chapter 11.88 RCW has not previously been entered. The hearing shall take place no later than twelve months following commencement of the child's current placement episode.

(b) For children over age ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order under chapter 11.88 RCW has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(c) No later than ten working days before the permanency planning hearing, the department shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties. The plan shall be directed toward securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent or legal guardian; adoption; guardianship; or long-term out-of-home care, until the child is age eighteen, with a written agreement between the parties and the child's care provider.

(d) If a goal of long-term out-of-home care has been achieved before the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remains appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.

(e) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the voluntary placement agreement is terminated.

(6) Any party to the voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian, unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The department shall notify the court upon termination of the voluntary placement agreement and return of the child to the care of the child's parent or legal guardian. Whenever a voluntary placement agreement is terminated, an action under this section shall be dismissed.

(7) This section does not prevent the department from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030. An action filed under this section shall be dismissed upon the filing of a dependency petition regarding a child who is the subject of the action under this section.

Sec. 34. RCW 13.34.300 and 1979 ex.s. c 201 s 3 are each amended to read as follows:

The legislature finds that it is the responsibility of the custodial parent, parents or guardian to ensure that children within the custody of such individuals attend school as provided for by law. To this end, while a parent's failure to cause a juvenile to attend school should not alone provide a basis for a neglect petition against the parent or guardian, when a neglect petition is filed on the basis of other evidence, a parent or guardian's failure to take reasonable steps to ensure that the juvenile attends school may be (~~used as evidence with respect~~) relevant to the question of the appropriate disposition of a neglect petition.

Sec. 35. RCW 13.34.340 and 1999 c 188 s 4 are each amended to read as follows:

For minors who cannot consent to the release of their records with the department because they are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department has authorized to provide mental health treatment under RCW 13.34.320, the department shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the department's possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department records may not be disclosed by the treating physician to any

other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose the department records to another treating physician.

Sec. 36. RCW 13.70.003 and 1989 1st ex.s. c 17 s 1 are each amended to read as follows:

The legislature recognizes the importance of permanency and continuity to children and of fairness to parents in the provision of child welfare services.

The legislature intends to create a citizen review board system that will function in an advisory capacity to the judiciary, the department, and the legislature. The purpose of the citizen review board system is to:

- (1) Provide periodic review of cases involving substitute care of children in a manner that complies with case review requirements and time lines imposed by federal laws pertaining to child welfare services;
 - (2) Improve the quality of case review provided to children in substitute care and their families;
- and
- (3) Provide a means for community involvement in monitoring cases of children in substitute care.

In order to accomplish the foregoing purposes, the citizen review board system shall not be subject to the procedures and standards usually applicable to judicial and administrative hearings, except as otherwise specifically provided in this chapter and ~~((RCW 13.34.130))~~ section 19 of this act, 13.34.145, and 26.44.115. Nothing in this chapter and ~~((RCW 13.34.130))~~ section 19 of this act, 13.34.145, and 26.44.115 shall limit the ability of the department to utilize court review hearings and administrative reviews to meet the periodic review requirements imposed by federal law.

Sec. 37. RCW 13.70.110 and 1991 c 127 s 5 are each amended to read as follows:

(1) This section shall apply to cases where a child has been placed in substitute care pursuant to a proceeding under chapter 13.34 RCW.

(2) Within forty-five days following commencement of the placement episode, the court shall assign the child's case to a board and forward to the board a copy of the dependency petition and any shelter care or dependency disposition orders which have been entered in the case by the court.

(3) The board shall review the case plan for each child whose case is assigned to the board by the court. The review shall take place at times set by the board. The first review shall occur within ninety days following commencement of the placement episode. The second review shall occur within six months following commencement of the placement episode. The next review shall occur within one year after commencement of the placement episode. Within ~~((eighteen))~~ twelve months following commencement of the placement episode, a permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, the court shall assign the child's case for a board review or a court review hearing pursuant to ~~((RCW 13.34.130(5)))~~ section 17 of this act. A board review or a court review hearing shall take place at least once every six months until the child is no longer within the jurisdiction of the court or no longer in substitute care or until a guardianship order or adoption decree is entered. After the permanency planning hearing, a court review hearing must occur at least once a year as provided in ~~((RCW 13.34.130))~~ section 19 of this act. The board shall review any case where a petition to terminate parental rights has been denied, and such review shall occur as soon as practical but no later than forty-five days after the denial.

(4) The board shall prepare written findings and recommendations with respect to:

(a) Whether reasonable efforts were made before the placement to prevent or eliminate the need for removal of the child from the home, including whether consideration was given to removing the alleged offender, rather than the child, from the home;

(b) Whether reasonable efforts have been made subsequent to the placement to make it possible for the child to be returned home;

(c) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(d) Whether there is a continuing need for placement and whether the placement is appropriate;

(e) Whether there has been compliance with the case plan;

(f) Whether progress has been made toward alleviating the need for placement;

(g) A likely date by which the child may be returned home or other permanent plan of care may be implemented; and

(h) Other problems, solutions, or alternatives the board determines should be explored.

(5) Within ten working days following the review, the board shall send a copy of its findings and recommendations to the parents and their attorneys, the child's custodians and their attorneys, mature children and their attorneys, other attorneys or guardians ad litem appointed by the court to represent children, the department and other child placement agencies directly responsible for supervising the child's placement, and any prosecuting attorney or attorney general actively involved in the case. If the child is an Indian as defined in the Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., a copy of the board's findings and recommendations shall also be sent to the child's Indian tribe.

(6) If the department is unable or unwilling to implement the board recommendations, the department shall submit to the board, within ten working days after receipt of the findings and recommendations, an implementation report setting forth the reasons why the department is unable or unwilling to implement the board's recommendations. The report will also set forth the case plan which the department intends to implement.

(7) Within forty-five days following the review, the board shall either:

(a) Schedule the case for further review by the board; or

(b) Submit to the court the board's findings and recommendations and the department's implementation reports, if any. If the board's recommendations are different from the existing court-ordered case plan, the board shall also file with the court a motion for a review hearing.

(8) Within ten days of receipt of the board's written findings and recommendations and the department's implementation report, if any, the court shall review the findings and recommendations and implementation reports, if any. The court may on its own motion schedule a review hearing.

(9) Unless modified by subsequent court order, the court-ordered case plan and court orders that are in effect at the time that a board reviews a case shall remain in full force and effect. Board findings and recommendations are advisory only and do not in any way modify existing court orders or court-ordered case plans.

(10) The findings and recommendations of the board and the department's implementation report, if any, shall become part of the department's case file and the court social file pertaining to the child.

(11) Nothing in this section shall limit or otherwise modify the rights of any party to a dependency proceeding to request and receive a court review hearing pursuant to the provisions of chapter 13.34 RCW or applicable court rules.

Sec. 38. RCW 13.70.140 and 1993 c 505 s 4 are each amended to read as follows:

A permanency planning hearing shall be held before the court in accordance with RCW 13.34.145. Thereafter, court review hearings shall occur at least once every six months, under ~~((RCW 13.34.130(5)))~~ section 19 of this act, until the child is no longer within the jurisdiction of the court or the child returns home or a guardianship order or adoption decree is entered. The court may review the case more frequently upon the court's own motion or upon the request of any party to the proceeding.

Sec. 39. RCW 26.44.115 and 1990 c 246 s 10 are each amended to read as follows:

If a child is taken into custody by child protective services pursuant to a court order issued under ~~((RCW 13.34.050))~~ section 5 of this act, the child protective services worker shall take reasonable steps to advise the parents immediately, regardless of the time of day, that the child has been taken into custody, the reasons why the child was taken into custody, and general information about the child's placement. The department shall comply with RCW 13.34.060 when providing notice under this section.

Sec. 40. RCW 74.15.030 and 1997 c 386 s 33 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories

of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under ~~((RCW 13.34.060))~~ section 7 of this act or RCW 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child care coordinating committee and other affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. **Sec. 41.** RCW 13.34.170 shall be recodified to appear immediately following RCW 13.34.160.

NEW SECTION. **Sec. 42.** The following acts or parts of acts are each repealed:

(1) RCW 13.34.162 (Child support schedule) and 1993 c 412 s 10 and 1988 c 275 s 15; and

(2) RCW 13.34.220 (Order terminating parent and child relationship-- Prevailing party to present findings, etc., to court, when) and 1979 c 155 s 50."

Correct the title.

Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 24, 2000

ESSB 6218 Prime Sponsor, Committee on Senate Human Services & Corrections: Making technical and clarifying amendments to the family reconciliation act. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.32A.010 and 1995 c 312 s 1 are each amended to read as follows:

The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, the experience and maturity of parents make them better qualified to establish guidelines beneficial to and protective of their children. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. Further, absent abuse or neglect, parents (~~should~~) have the right to exercise control over their children. The legislature reaffirms its position

stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence of compelling evidence to the contrary.

The legislature recognizes there is a need for services and assistance for parents and children who are in conflict. These conflicts are manifested by children who exhibit various behaviors including: Running away, substance abuse, serious acting out problems, mental health needs, and other behaviors that endanger themselves or others.

The legislature finds many parents do not know their rights regarding their adolescent children and law enforcement. Parents and courts feel they have insufficient legal recourse for the chronic runaway child who is endangering himself or herself through his or her behavior. The legislature further recognizes that for chronic runaways whose behavior puts them in serious danger of harming themselves or others, secure facilities must be provided to allow opportunities for assessment, treatment, and to assist parents and protect their children. The legislature intends to give tools to parents, courts, and law enforcement to keep families together and reunite them whenever possible.

The legislature recognizes that some children run away to protect themselves from abuse or neglect in their homes. Abused and neglected children should be dealt with pursuant to chapter 13.34 RCW and it is not the intent of the legislature to handle dependency matters under this chapter.

The legislature intends services offered under this chapter be on a voluntary basis whenever possible to children and their families and that the courts be used as a last resort.

The legislature intends to increase the safety of children through the preservation of families and the provision of assessment, treatment, and placement services for children in need of services and at-risk youth including services and assessments conducted under chapter 13.32A RCW and RCW 74.13.033. Within available funds, the legislature intends to provide these services through crisis residential centers in which children and youth may safely reside for a limited period of time. The time in residence shall be used to conduct an assessment of the needs of the children, youth, and their families. The assessments are necessary to identify appropriate services and placement options that will reduce the likelihood that children will place themselves in dangerous or life-threatening situations.

The legislature recognizes that crisis residential centers provide an opportunity for children to receive short-term necessary support and nurturing in cases where there may be abuse or neglect. The legislature intends that center staff provide an atmosphere of concern, care, and respect for children in the center and their parents.

The legislature intends to provide for the protection of children who, through their behavior, are endangering themselves. The legislature intends to provide appropriate residential services, including secure facilities, to protect, stabilize, and treat children with serious problems. The legislature further intends to empower parents by providing them with the assistance they require to raise their children.

Sec. 2. RCW 13.32A.030 and 1997 c 146 s 1 are each amended to read as follows:

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

(1) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center, or his or her designee.

~~((2))~~ (3) "At-risk youth" means a juvenile:

(a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent;

(b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or

(c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

~~((3))~~ (4) "Child," "juvenile," and "youth" mean any unemancipated individual who is under the chronological age of eighteen years.

~~((4))~~ (5) "Child in need of services" means a juvenile:

(a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person;

(b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours on two or more separate occasions from the home of either parent(~~(-s home)~~), a crisis residential center, an out-of-home placement, or a court-ordered placement (~~(on two or more separate occasions)~~); and

(i) Has exhibited a serious substance abuse problem; or

(ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or

(c)(i) Who is in need of: (A) Necessary services, including food, shelter, health care, clothing, ~~((educational,))~~ or education; or (B) services designed to maintain or reunite the family;

(ii) Who lacks access to, or has declined(~~(-))~~ to utilize, these services; and

(iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

~~((5))~~ (6) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department seeking adjudication of placement of the child.

~~((6))~~ (7) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

~~((7))~~ (8) "Custodian" means the person or entity who has the legal right to the custody of the child.

~~((8))~~ (9) "Department" means the department of social and health services.

~~((9))~~ (10) "Extended family member" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

~~((10))~~ (11) "Guardian" means that person or agency that (a) has been appointed as the guardian of a child in a legal proceeding other than a proceeding under chapter 13.34 RCW, and (b) has the right to legal custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

~~((11))~~ (12) "Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent. The team shall include the parent, a department case worker, a local government representative when authorized by the local government, and when appropriate, members from the mental health and substance abuse disciplines. The team may also include, but is not limited to, the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, therapists, medical personnel, social service providers, placement providers, and extended family members. The team members shall be volunteers who do not receive compensation while acting in a capacity as a team member, unless the member's employer chooses to provide compensation or the member is a state employee.

~~((12))~~ (13) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((13))~~ (14) "Parent" means the parent or parents who have the legal right to custody of the child. "Parent" includes custodian or guardian.

~~((14))~~ (15) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

~~((15))~~ (16) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that

no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

~~((16))~~ (17) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department with a ratio of at least one adult staff member to every two children.

~~((17))~~ (18) "Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

Sec. 3. RCW 13.32A.040 and 1995 c 312 s 5 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth or a child who may be in need of services may request family reconciliation services from the department. The department may involve a local multidisciplinary team in its response in determining the services to be provided and in providing those services. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth, children in need of services, or family conflicts ~~((and))~~. These services may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, mental health, drug or alcohol treatment, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family ~~((Family reconciliation services may also include))~~, and training in parenting, conflict management, and dispute resolution skills.

Sec. 4. RCW 13.32A.042 and 1995 c 312 s 13 are each amended to read as follows:

(1)(a) The administrator of a crisis residential center may convene a multidisciplinary team, which is to be locally based and administered, at the request of a child placed at the center or the child's parent.

(b) If the administrator has reasonable cause to believe that a child is a child in need of services and the parent is unavailable or unwilling to continue efforts to maintain the family structure, the administrator shall immediately convene a multidisciplinary team.

(c) A parent may disband a team twenty-four hours, excluding weekends and holidays, after receiving notice of formation of the team under (b) of this subsection unless a petition has been filed under RCW 13.32A.140. If a petition has been filed the parent may not disband the team until the hearing is held under RCW 13.32A.179. The court may allow the team to continue if an out-of-home placement is ordered under RCW 13.32A.179(3). Upon the filing of an at-risk youth or dependency petition the team shall cease to exist, unless the parent requests continuation of the team or unless the out-of-home placement was ordered under RCW 13.32A.179(3).

(2) The secretary shall request participation of appropriate state agencies to assist in the coordination and delivery of services through the multidisciplinary teams. Those agencies that agree to participate shall provide the secretary all information necessary to facilitate forming a multidisciplinary team and the secretary shall provide this information to the administrator of each crisis residential center.

(3) The secretary shall designate within each region a department employee who shall have responsibility for coordination of the state response to a request for creation of a multidisciplinary team. The secretary shall advise the administrator of each crisis residential center of the name of the appropriate employee. Upon a request of the administrator to form a multidisciplinary team the employee shall provide a list of the agencies that have agreed to participate in the multidisciplinary team.

(4) The administrator shall also seek participation from representatives of mental health and drug and alcohol treatment providers as appropriate.

(5) A parent shall be advised of the request to form a multidisciplinary team and may select additional members of the multidisciplinary team. The parent or child may request any person or persons to participate including, but not limited to, educators, law enforcement personnel, court personnel, family therapists, licensed health care practitioners, social service providers, youth residential placement providers, other family members, church representatives, and members of their own community. The administrator shall assist in obtaining the prompt participation of persons requested by the parent or child.

(6) When an administrator of a crisis residential center requests the formation of a team, the state agencies must respond as soon as possible. ~~((The team shall have the authority to evaluate the juvenile, and family members, if appropriate and agreed to by the parent, and shall:~~

~~(a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;~~

~~(b) Make a referral to the designated chemical dependency specialist or the county designated mental health professional, if appropriate;~~

~~(c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or~~

~~(d) With the parent's consent, work with them to achieve reconciliation of the child and family.-))~~

Sec. 5. RCW 13.32A.044 and 1995 c 312 s 14 are each amended to read as follows:

(1) The purpose of the multidisciplinary team is to assist in a coordinated referral of the family to available social and health-related services.

(2) The team shall have the authority to evaluate the juvenile, and family members, if appropriate and agreed to by the parent, and shall:

(a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;

(b) Make a referral to the designated chemical dependency specialist or the county designated mental health professional, if appropriate;

(c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or

(d) With the parent's consent, work with them to achieve reconciliation of the child and family.

(3) At the first meeting of the multidisciplinary team, it shall choose a member to coordinate the team's efforts. The parent member of the multidisciplinary team must agree with the choice of coordinator. The team shall meet or communicate as often as necessary to assist the family.

~~((3))~~ (4) The coordinator of the multidisciplinary team may assist in filing a child in need of services petition when requested by the parent or child or an at-risk youth petition when requested by the parent. The multidisciplinary team shall have no standing as a party in any action under this title.

~~((4))~~ (5) If the administrator is unable to contact the child's parent, the multidisciplinary team may be used for assistance. If the parent has not been contacted within five days the administrator shall contact the department and request the case be reviewed for a dependency filing under chapter 13.34 RCW.

Sec. 6. RCW 13.32A.050 and 1997 c 146 s 2 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(d) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued ~~((pursuant~~

~~to~~) under this chapter ((13.32A)) or chapter 13.34 RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter or chapter 13.34 RCW.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department with a copy of the officer's report.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer ~~((receives a report that causes the officer to have))~~ has a reasonable suspicion that a child is being unlawfully harbored ((under RCW 13.32A.080 or for other reasons has a reasonable suspicion that a child is being harbored under)) in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

(7) No child may be placed in a secure facility except as provided in this chapter.

Sec. 7. RCW 13.32A.060 and 1997 c 146 s 3 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance if:

(i) ~~((#))~~ The child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of ((child)) abuse or neglect((, as defined in RCW 26.44.020));

(ii) ~~((#))~~ It is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) ~~((#))~~ There is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, ~~((the officer may))~~ request the department to accept custody of the child. If the department determines that an appropriate placement is currently available, the department shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without filing a child in need of services petition ~~((under this chapter))~~, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department's custody, the officer shall

provide written documentation of the reasons and the statutory basis for taking the child into custody. If the department declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; or a licensed youth shelter (~~and~~). The officer shall immediately notify the department if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 13.32A.050(1) (c) or (d) shall inform the child of the reason for custody. An officer taking a child into custody under RCW 13.32A.050(1)(c) may release the child to the supervising agency, or shall take the child to a designated crisis residential center's secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 13.32A.050(1)(d) may place the child in a juvenile detention facility as provided in RCW 13.32A.065 or a secure facility, except that the child shall be taken to detention whenever the officer has been notified that a juvenile court has entered a detention order under this chapter or chapter 13.34 RCW.

(3) Every officer taking a child into custody shall provide the child and his or her parent or parents or responsible adult with a copy of the statement specified in RCW 13.32A.130(6).

(4) Whenever an officer transfers custody of a child to a crisis residential center or the department, the child may reside in the crisis residential center or may be placed by the department in an out-of-home placement for an aggregate total period of time not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays. Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed (~~under this chapter~~), or an order for placement has been entered under chapter 13.34 RCW.

~~((4))~~ (5) The department shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

Sec. 8. RCW 13.32A.065 and 1996 c 133 s 12 are each amended to read as follows:

(1) ~~((A child may be placed in detention after being taken into custody pursuant to RCW 13.32A.050(1)(d).))~~ If a child is placed in detention under RCW 13.32A.050(1)(d), the court shall hold a detention review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court orders the child to remain in detention, the court shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays.

Sec. 9. RCW 13.32A.080 and 1994 sp.s. c 7 s 507 are each amended to read as follows:

(1)(a) A person commits the crime of unlawful harboring of a minor if the person provides shelter to a minor without the consent of a parent of the minor and after the person knows that the minor is away from the home of the parent, without the parent's permission, and if the person intentionally:

(i) Fails to release the minor to a law enforcement officer after being requested to do so by the officer; or

(ii) Fails to disclose the location of the minor to a law enforcement officer after being requested to do so by the officer, if the person knows the location of the minor and had either taken the minor to that location or had assisted the minor in reaching that location; or

(iii) Obstructs a law enforcement officer from taking the minor into custody; or

(iv) Assists the minor in avoiding or attempting to avoid the custody of the law enforcement officer.

(b) It is a defense to a prosecution under this section that the defendant had custody of the minor pursuant to a court order.

(2) Unlawful harboring of a minor is punishable as a gross misdemeanor.

(3) Any person who provides shelter to a child, absent from home, may notify the department's local community service office of the child's presence.

(4) An adult responsible for involving a child in the commission of an offense may be prosecuted under existing criminal statutes including, but not limited to:

- (a) Distribution of a controlled substance to a minor, as defined in RCW 69.50.406;
- (b) Promoting prostitution as defined in chapter 9A.88 RCW; and
- (c) Complicity of the adult in the crime of a minor, under RCW 9A.08.020.

Sec. 10. RCW 13.32A.082 and 1996 c 133 s 14 are each amended to read as follows:

(1) Any person who, without legal authorization, provides shelter to a minor and who knows at the time of providing the shelter that the minor is away from the parent's home without the permission of the parent, or other lawfully prescribed residence(~~(, without the permission of the parent)~~), shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department. The report may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from a lawfully prescribed residence or home without parental permission.

(3) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family.

Sec. 11. RCW 13.32A.090 and 1996 c 133 s 7 are each amended to read as follows:

(1) The administrator of a designated crisis residential center or the department shall perform the duties under subsection ~~((2))~~ (3) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under RCW ~~((13.32A.080(3)))~~ 13.32A.082 that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to RCW 13.32A.060.

(2) Transportation expenses of the child shall be at the parent's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department.

(3) When any of the circumstances under subsection (1) of this section are present, the administrator of a center or the department shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state; and either

(d)(i) Arrange transportation for the child to the residence of the parent, as soon as practicable, ~~((at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department.))~~ when the child and his or her parent agrees to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home; or

~~((e))~~ (ii) Arrange transportation for the child to: (i) An out-of-home placement which may include a licensed group care facility or foster family when agreed to by the child and parent; or (ii) a

certified or licensed mental health or chemical dependency program of the parent's choice (~~(; at the parent's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department)~~).

~~((3))~~ (4) If the administrator of the crisis residential center performs the duties listed in subsection ~~((2))~~ (3) of this section, he or she shall also notify the department that a child has been admitted to the crisis residential center.

Sec. 12. RCW 13.32A.095 and 1996 c 133 s 15 are each amended to read as follows:

The administrator of ~~((the))~~ a crisis residential center shall notify parents ~~((and))~~, the appropriate law enforcement agency, and the department immediately as to any unauthorized leave from the center by a child placed at the center.

Sec. 13. RCW 13.32A.100 and 1996 c 133 s 16 are each amended to read as follows:

Where a child is placed in an out-of-home placement pursuant to RCW 13.32A.090~~((2)(e))~~ (3)(d)(ii), the department shall make available family reconciliation services in order to facilitate the reunification of the family. Any such placement may continue as long as there is agreement by the child and parent.

Sec. 14. RCW 13.32A.120 and 1996 c 133 s 18 are each amended to read as follows:

(1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an out-of-home placement arrived at pursuant to RCW 13.32A.090~~((2)(e))~~ (3)(d)(ii), the administrator of the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an out-of-home placement under RCW 13.32A.090~~((2)(e))~~ (3)(d)(ii), either the child or parent may file ~~((with the juvenile court))~~ a child in need of services petition to approve an out-of-home placement or the parent may file ~~((with the juvenile court a))~~ an at-risk youth petition ~~((in the interest of a child alleged to be an at risk youth under this chapter))~~.

(3) If a child and his or her parent cannot agree to the continuation of an out-of-home placement ~~((arrived at))~~ under RCW 13.32A.090~~((2)(e))~~ (3)(d)(ii), either the child or parent may file ~~((with the juvenile court))~~ a child in need of services petition to ~~((approve))~~ continue an out-of-home placement or the parent may file ~~((with the juvenile court a))~~ an at-risk youth petition ~~((in the interest of a child alleged to be an at risk youth under this chapter))~~.

Sec. 15. RCW 13.32A.130 and 1997 c 146 s 4 are each amended to read as follows:

(1) A child admitted to a secure facility ~~((within a crisis residential center))~~ shall remain in the facility for at least twenty-four hours after admission but for not more than five consecutive days~~((, but for at least twenty-four hours after admission))~~. If the child admitted under this section is transferred ~~((between centers or))~~ between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days per admission.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall consider the following information if known: (A) The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away ~~((which has endangered the health, safety, and welfare of the child))~~; and (F) the child's willingness to cooperate in the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time during the five-day period unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of ~~((intake))~~ admission, and if the administrator of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child in need of services petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; (d) the right to request a review of any out-of-home placement; (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW 13.32A.197.

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. ~~((Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition,))~~ The administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(7) A crisis residential center and ~~((its administrator or his or her designee))~~ any person employed at the center acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

Sec. 16. RCW 13.32A.140 and 1997 c 146 s 5 are each amended to read as follows:

Unless the department files a dependency petition, the department shall file a child in need of services petition to approve an out-of-home placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed by the department in an out-of-home placement, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) The child cannot return home, and legal authorization is needed for out-of-home placement beyond seventy-two hours;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

- (d) No child in need of services petition has been filed by either the child or parent;
- (e) The parent has not filed an at-risk youth petition; and
- (f) The child has no suitable place to live other than the home of his or her parent.
- (2) The child has been admitted to a crisis residential center and:
 - (a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;
 - (b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and
 - (c) The child has no suitable place to live other than the home of his or her parent.
- (3) An agreement between parent and child made pursuant to RCW 13.32A.090~~((2)(e))~~ (3)(d)(ii) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:
 - (a) The party to whom the arrangement is no longer acceptable has so notified the department;
 - (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;
 - (c) No new agreement between parent and child as to where the child shall live has been reached;
 - (d) No child in need of services petition has been filed by either the child or the parent;
 - (e) The parent has not filed an at-risk youth petition; and
 - (f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in an out-of-home placement until a child in need of services petition filed by the department on behalf of the child is reviewed ~~((by the juvenile court))~~ and ~~((is))~~ resolved by the juvenile court. The department may authorize emergency medical or dental care for a child admitted to a crisis residential center or placed in an out-of-home placement by the department. The state, when the department files a child in need of services petition under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 17. RCW 13.32A.150 and 1996 c 133 s 20 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the juvenile court shall not accept the filing of a child in need of services petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that the department has completed a family assessment ~~((has been completed by the department))~~. The family assessment ~~((provided by the department))~~ shall involve the multidisciplinary team ~~((as provided in RCW 13.32A.040,))~~ if one exists. The family assessment or plan of services developed by the multidisciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under RCW 13.32A.191.

(2) A child or a child's parent may file with the juvenile court a child in need of services petition to approve an out-of-home placement for the child. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition must be filed in the county where the parent resides. The petition shall allege that the child is a child in need of services and shall ask only that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve the placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an out-of-home placement under this chapter.

(3) A petition may not be filed if the child is the subject of a proceeding under chapter 13.34 RCW.

Sec. 18. RCW 13.32A.152 and 1996 c 133 s 21 are each amended to read as follows:

(1) Whenever a child in need of services petition is filed by: (a) A youth pursuant to RCW 13.32A.150~~((7))~~; (b) the child or the child's parent pursuant to RCW 13.32A.120; or (c) the department pursuant to RCW 13.32A.140, the filing party shall have a copy of the petition served on the parents of the youth. Service shall first be attempted in person and if unsuccessful, then by certified mail with return receipt.

(2) Whenever a child in need of services petition is filed by a youth or parent pursuant to RCW 13.32A.150, the court shall immediately notify the department that a petition has been filed.

Sec. 19. RCW 13.32A.160 and 1997 c 146 s 6 are each amended to read as follows:

(1) When a proper child in need of services petition to approve an out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a)(i) Schedule a fact-finding hearing to be held: (A) For a child who resides in a place other than his or her parent's home and other than an out-of-home placement, within five calendar days unless the last calendar day is a Saturday, Sunday, or holiday, in which case the hearing shall be held on the preceding judicial day; or (B) for a child living at home or in an out-of-home placement, within ten days; and (ii) notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving a child in need of services petition; (e) notify the parents of their rights under this chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to file an at-risk youth petition, the right to submit an application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition; and (f) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of a child in need of services petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence other than a HOPE center to be determined by the department. The court may place a child in a crisis residential center for a temporary out-of-home placement as long as the requirements of RCW 13.32A.125 are met.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three judicial days upon the request of the juvenile or the juvenile's parent.

Sec. 20. RCW 13.32A.170 and 1996 c 133 s 23 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper child in need of services petition, giving due weight to the intent of the legislature that families have the right to place reasonable restrictions and rules upon their children, appropriate to the individual child's developmental level. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. At the commencement of the hearing, the court shall advise the parents of their rights as set forth in RCW 13.32A.160(1). If the court approves or denies a child in need of services petition, a written statement of the reasons must be filed.

(2) The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence, including a departmental recommendation for approval or dismissal of the petition, that:

- (a) The child is a child in need of services as defined in RCW 13.32A.030(~~(4)~~) (5);
- (b) If the petitioner is a child, he or she has made a reasonable effort to resolve the conflict;
- (c) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and
- (d) A suitable out-of-home placement resource is available.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

The court may not grant the petition if the child is the subject of a proceeding under chapter 13.34 RCW.

(3) Following the fact-finding hearing the court shall: (a) Approve a child in need of services petition and, if appropriate, enter a temporary out-of-home placement for a period not to exceed fourteen days pending approval of a disposition decision to be made under RCW 13.32A.179(2); (b)

approve an at-risk youth petition filed by the parents and dismiss the child in need of services petition; or (c) dismiss the petition(~~(; or (d))~~).

At any time the court may order the department to review the case to determine whether the case is appropriate for a dependency petition under chapter 13.34 RCW.

Sec. 21. RCW 13.32A.179 and 1997 c 146 s 7 are each amended to read as follows:

(1) A disposition hearing shall be held no later than fourteen days after the approval of the temporary out-of-home placement. The parents, child, and department shall be notified by the court of the time and place of the hearing.

(2) At the conclusion of the disposition hearing, the court may: (a) Reunite the family and dismiss the petition; (b) approve an at-risk youth petition filed by the parents and dismiss the child in need of services petition; (c) approve an out-of-home placement requested in the child in need of services petition by the parents; or (d) order an out-of-home placement at the request of the child or the department not to exceed ninety days(~~(; or (e))~~).

At any time the court may order the department to review the matter for purposes of filing a dependency petition under chapter 13.34 RCW. Whether or not the court approves or orders an out-of-home placement, the court may also order any conditions of supervision as set forth in RCW 13.32A.196(~~(2)~~) (3).

(3) The court may only enter an order under subsection (2)(d) of this section if it finds by clear, cogent, and convincing evidence that: (a)(i) The order is in the best interest of the family; (ii) the parents have not requested an out-of-home placement; (iii) the parents have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable efforts to resolve the problems that led to the filing of the petition; (v) the problems cannot be resolved by delivery of services to the family during continued placement of the child in the parental home; (vi) reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and (vii) a suitable out-of-home placement resource is available; (b)(i) the order is in the best interest of the child; and (ii) the parents are unavailable; or (c) the parent's actions cause an imminent threat to the child's health or safety.

(4) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. The plan, if ordered, shall address the needs of the child, and the perceived needs of the parents if the order was entered under subsection (2)(d) of this section or if specifically agreed to by the parents. If the parents do not agree or the order was not entered under subsection (2)(d) of this section the plan may only make recommendations regarding services in which the parents may voluntarily participate. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided with timely notification of all court hearings.

(5) A child who fails to comply with a court order issued under this section shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within one year after the entry of the order.

(6) After the court approves or orders an out-of-home placement, the parents or the department may request, and the court may grant, dismissal of the child in need of services proceeding when it is not feasible for the department to provide services due to one or more of the following circumstances:

(a) The child has been absent from court approved placement for thirty consecutive days or more;

(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or

(c) The department has exhausted all available and appropriate resources that would result in reunification.

(7) The court shall dismiss a placement made under subsection (2)(c) of this section upon the request of the parents.

Sec. 22. RCW 13.32A.191 and 1995 c 312 s 25 are each amended to read as follows:

(1) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioner resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

- (a) The child is an at-risk youth (~~(as defined in this chapter)~~);
- (b) The petitioner has the right to legal custody of the child;
- (c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and
- (d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

(2) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child.

(3) A petition may not be filed if a dependency petition is pending under chapter 13.34 RCW.

Sec. 23. RCW 13.32A.194 and 1996 c 133 s 27 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper at-risk youth petition. The court shall grant the petition and enter an order finding the child to be an at-risk youth if the allegations in the petition are established by a preponderance of the evidence, unless the child is the subject of a proceeding under chapter 13.34 RCW. If the petition is granted, the court shall enter an order requiring the child to reside in the home of his or her parent or in an out-of-home placement as provided in RCW 13.32A.192(2).

(2) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

~~(3) ((A dispositional hearing shall be held no later than fourteen days after the fact finding hearing. Each party shall be notified of the time and date of the hearing.~~

~~(4))~~ (4) If the court grants or denies an at-risk youth petition, a statement of the written reasons shall be entered into the records. If the court denies an at-risk youth petition, the court shall verbally advise the parties that the child is required to remain within the care, custody, and control of his or her parent.

Sec. 24. RCW 13.32A.196 and 1995 c 312 s 28 are each amended to read as follows:

(1) A dispositional hearing shall be held no later than fourteen days after the fact-finding hearing. Each party shall be notified of the time and date of the hearing.

(2) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

~~((2))~~ (3) The court may set conditions of supervision for the child that include:

- (a) Regular school attendance;
- (b) Counseling;
- (c) Participation in a substance abuse or mental health outpatient treatment program;
- (d) Reporting on a regular basis to the department or any other designated person or agency;

and

(e) Any other condition the court deems an appropriate condition of supervision including but not limited to: Employment, participation in an anger management program, and refraining from using alcohol or drugs.

~~((3))~~ (4) No dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

~~((4))~~ (5) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled.

~~((5))~~ (6) The parent may request dismissal of an at-risk youth proceeding or out-of-home placement at any time ~~(and)~~. Upon such a request, the court shall dismiss the matter and cease court supervision of the child unless: (a) A contempt action is pending in the case; (b) a petition has been filed under RCW 13.32A.150 and a hearing has not yet been held under RCW 13.32A.179; or (c) an order has been entered under RCW 13.32A.179(3) and the court retains jurisdiction under that subsection. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

~~((6))~~ (7) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

Sec. 25. RCW 13.32A.200 and 1979 c 155 s 34 are each amended to read as follows:

All hearings pursuant to this chapter may be conducted at any time or place within the county of the residence of the parent and such cases shall not be heard in conjunction with the business of any other division of the superior court. The ~~((general))~~ public shall be excluded from hearings and only such persons who are found by the court to have a direct interest in the case or the work of the court shall be admitted to the proceedings.

NEW SECTION. **Sec. 26.** The department of social and health services shall prepare a report to the legislature and governor on the utilization of multidisciplinary teams established under RCW 13.32A.042. The report shall include: (1) The number of teams established in 1997 through 1999 by department region; (2) the persons added to the teams at the request of a parent or child; (3) the average cost per team; (4) trends in utilization of teams by region; (5) a comparison of out-of-home placement rates for youths whose families use the teams and those who do not; and (6) any recommendations on the creation and usefulness of the teams. The report shall be submitted no later than October 1, 2000. This section expires January 1, 2001.

NEW SECTION. **Sec. 27.** 1990 c 276 s 1 (uncodified) shall be codified as a section within chapter 13.32A RCW."

Correct the title.

Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 23, 2000

ESSB 6220 Prime Sponsor, Committee on Senate Commerce, Trade, Housing & Financing:
Prohibiting unfair competition by motor vehicle dealers and manufacturers. Reported by
Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.96 RCW to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, shall not:

(a) Discriminate between new motor vehicle dealers by selling or offering to sell a like vehicle to one dealer at a lower actual price than the actual price offered to another dealer for the same model similarly equipped;

(b) Discriminate between new motor vehicle dealers by selling or offering to sell parts or accessories to one dealer at a lower actual price than the actual price offered to another dealer;

(c) Discriminate between new motor vehicle dealers by using a promotion plan, marketing plan, or other similar device that results in a lower actual price on vehicles, parts, or accessories being charged to one dealer over another dealer;

(d) Discriminate between new motor vehicle dealers by adopting a method, or changing an existing method, for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its dealers that is not fair, reasonable, and equitable. Upon the request of a dealer, a manufacturer, distributor, factory branch, or factory representative shall disclose in writing to the dealer the method by which new motor vehicles, parts, and accessories are allocated, scheduled, or delivered to its dealers handling the same line or make of vehicles;

(e) Give preferential treatment to some new motor vehicle dealers over others by refusing or failing to deliver, in reasonable quantities and within a reasonable time after receipt of an order, to a dealer holding a franchise for a line or make of motor vehicles sold or distributed by the manufacturer, distributor, factory branch, or factory representative, a new vehicle, parts, or accessories, if the vehicle, parts, or accessories are being delivered to other dealers, or require a dealer to purchase unreasonable advertising displays or other materials, or unreasonably require a dealer to remodel or renovate existing facilities as a prerequisite to receiving a model or series of vehicles;

(f) Compete with a new motor vehicle dealer by acting in the capacity of a new motor vehicle dealer, or by owning, operating, or controlling, whether directly or indirectly, a motor vehicle dealership in this state. It is not, however, a violation of this subsection for:

(i) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership for a temporary period, not to exceed two years, during the transition from one owner of the dealership to another where the dealership was previously owned by a franchised dealer and is currently for sale to any qualified independent person at a fair and reasonable price. The temporary operation may be extended for one twelve-month period on petition of the temporary operator to the department. The matter will be handled as an adjudicative proceeding under chapter 34.05 RCW. A dealer who is a franchisee of the petitioning manufacturer or distributor may intervene and participate in a proceeding under this subsection (1)(f)(i). The temporary operator has the burden of proof to show justification for the extension and a good faith effort to sell the dealership to an independent person at a fair and reasonable price;

(ii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship for the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, and where the independent person: (A) Has made a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide

written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions;

(iii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship where the independent person: (A) Has made a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. The number of dealerships operated under this subsection (1)(f)(iii) may not exceed four percent rounded up to the nearest whole number of a manufacturer's total of new motor vehicle dealer franchises in this state;

(iv) A truck manufacturer to own, operate, or control a new motor vehicle dealership that sells only trucks of that manufacturer's line make with a gross vehicle weight rating of 12,500 pounds or more, and the truck manufacturer has been continuously engaged in the retail sale of the trucks at least since January 1, 1993; or

(v) A manufacturer to own, operate, or control a new motor vehicle dealership trading exclusively in a single line make of the manufacturer if (A) the manufacturer does not own, directly or indirectly, in the aggregate, in excess of forty-five percent of the total ownership interest in the dealership, (B) at the time the manufacturer first acquires ownership or assumes operation or control of any such dealership, the distance between any dealership thus owned, operated, or controlled and the nearest new motor vehicle dealership trading in the same line make of vehicle and in which the manufacturer has no ownership or control is not less than fifteen miles and complies with the applicable provisions in the relevant market area sections of this chapter, (C) all of the manufacturer's franchise agreements confer rights on the dealer of that line make to develop and operate within a defined geographic territory or area, as many dealership facilities as the dealer and the manufacturer agree are appropriate, and (D) as of January 1, 2000, the manufacturer had no more than four new motor vehicle dealers of that manufacturer's line make in this state, and at least half of those dealers owned and operated two or more dealership facilities in the geographic territory or area covered by their franchise agreements with the manufacturer;

(g) Compete with a new motor vehicle dealer by owning, operating, or controlling, whether directly or indirectly, a service facility in this state for the repair or maintenance of motor vehicles under the manufacturer's new car warranty and extended warranty. Nothing in this subsection (1)(g), however, prohibits a manufacturer, distributor, factory branch, or factory representative from owning or operating a service facility for the purpose of providing or performing maintenance, repair, or service work on motor vehicles that are owned by the manufacturer, distributor, factory branch, or factory representative;

(h) Use confidential or proprietary information obtained from a new motor vehicle dealer to unfairly compete with the dealer. For purposes of this subsection (1)(h), "confidential or proprietary information" means trade secrets as defined in RCW 19.108.010, business plans, marketing plans or strategies, customer lists, contracts, sales data, revenues, or other financial information.

(2) Subsection (1)(a), (b), and (c) of this section do not apply to sales to a motor vehicle dealer: (a) For resale to a federal, state, or local government agency; (b) where the vehicles will be sold or donated for use in a program of driver's education; (c) where the sale is made under a manufacturer's bona fide promotional program offering sales incentives or rebates; (d) where the sale of parts or accessories is under a manufacturer's bona fide quantity discount program; or (e) where the sale is made under a manufacturer's bona fide fleet vehicle discount program. For purposes of this subsection, "fleet" means a group of fifteen or more new motor vehicles purchased or leased by a

dealer at one time under a single purchase or lease agreement for use as part of a fleet, and where the dealer has been assigned a fleet identifier code by the department of licensing.

(3) The following definitions apply to this section:

(a) "Actual price" means the price to be paid by the dealer less any incentive paid by the manufacturer, distributor, factory branch, or factory representative, whether paid to the dealer or the ultimate purchaser of the vehicle.

(b) "Control" or "controlling" means (i) the possession of, title to, or control of ten percent or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary, or (ii) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise, except as expressly provided under the franchise agreement.

(c) "Motor vehicles" does not include trucks that are 14,001 pounds gross vehicle weight and above or recreational vehicles as defined in RCW 43.22.335.

(d) "Operate" means to manage a dealership, whether directly or indirectly.

(e) "Own" or "ownership" means to hold the beneficial ownership of one percent or more of any class of equity interest in a dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(4) A violation of this section is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW. A person aggrieved by an alleged violation of this section may petition the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW."

Correct the title.

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, McIntire and McMorris.

Excused: Representative Lisk.

Passed to Rules Committee for Second Reading.

February 23, 2000

SB 6223 Prime Sponsor, Senator Hargrove: Reorganizing sentencing provisions. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6244 Prime Sponsor, Committee on Senate Human Services & Corrections: Extending juvenile court jurisdiction for the purpose of enforcing penalty assessments. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 25, 2000

SB 6251 Prime Sponsor, Senator Rasmussen: Regulating horticultural plants and facilities. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Schoesler; Stensen; Sump and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper, Democratic Vice Chair and Reardon.

Voting yea: Representatives G. Chandler, Linville, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Schoesler, Stensen, Sump and Wood.

Voting nay: Representatives Cooper and Reardon.

Passed to Rules Committee for Second Reading.

February 25, 2000

2SSB 6255 Prime Sponsor, Committee on Senate Judiciary: Prescribing penalties for unlawful possession and storage of anhydrous ammonia. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains anhydrous ammonia, is guilty of theft of anhydrous ammonia.

(2) Theft of anhydrous ammonia is a class C felony.

NEW SECTION. Sec. 2. A person is guilty of the crime of unlawful storage of anhydrous ammonia if the person possesses anhydrous ammonia in a container that (1) is not approved by the United States department of transportation to hold anhydrous ammonia, or (2) does not meet state and federal industrial health and safety standards for holding anhydrous ammonia. Violation of this section is a class C felony.

NEW SECTION. Sec. 3. Any damages arising out of the unlawful possession of, storage of, or tampering with anhydrous ammonia or anhydrous ammonia equipment shall be the sole responsibility of the unlawful possessor, storer, or tamperer. In no case shall liability for damages

arising out of the unlawful possession of, storage of, or tampering with anhydrous ammonia or anhydrous ammonia equipment extend to the lawful owner, installer, maintainer, designer, manufacturer, or seller of the anhydrous ammonia or anhydrous ammonia equipment, unless such damages arise out of the owner, installer, maintainer, designer, manufacturer, or seller's acts or omissions that constitute negligent misconduct to abide by the laws regarding anhydrous ammonia possession and storage.

Sec. 4. RCW 69.50.440 and 1997 c 71 s 3 are each amended to read as follows:

It is unlawful for any person to possess ephedrine (~~(or)~~)₂ pseudoephedrine, or anhydrous ammonia with intent to manufacture methamphetamine. Any person who violates this section is guilty of a crime and may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both. Three thousand dollars of the fine may not be suspended. As collected, the first three thousand dollars of the fine must be deposited with the law enforcement agency having responsibility for cleanup of laboratories, sites, or substances used in the manufacture of the methamphetamine. The fine moneys deposited with that law enforcement agency must be used for such clean-up cost.

Sec. 5. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW 70.74.280(1))
Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))
Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)

XI Manslaughter 1 (RCW 9A.32.060)
Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)

X Child Molestation 1 (RCW 9A.44.083)
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Kidnapping 1 (RCW 9A.40.020)
Leading Organized Crime (RCW 9A.82.060(1)(a))
Malicious explosion 3 (RCW 70.74.280(3))
Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

IX Assault of a Child 2 (RCW 9A.36.130)

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ~~((88.12.029))~~ 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ~~((88.12.029))~~ 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

Possession of Ephedrine (~~((☞))~~), Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Theft of Anhydrous Ammonia (section 1 of this act)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW ~~((88.12.029))~~ 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)
Unlawful Storage of Anhydrous Ammonia (section 2 of this act)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))
On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))
On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))
On and after July 1, 2000: Stalking (RCW 9A.46.110)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW ((~~88.12.032~~)) 79A.60.050)
Bribing a Witness/Bribe Received by Witness (RCW
9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury Accident (RCW 46.52.020(4))
Hit and Run with Vessel--Injury Accident (RCW
((~~88.12.155(3)~~)) 79A.60.200(3))
Indecent Exposure to Person Under Age Fourteen
(subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW
9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver
narcotics from Schedule III, IV, or V or
nonnarcotics from Schedule I-V (except marijuana,
amphetamine, methamphetamines, or flunitrazepam)
(RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080
(1) and (2))
Vehicular Assault (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW
9A.76.170(2)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW
9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance
(RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)

Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from
Schedule III, IV, or V or Non-narcotic from
Schedule I-V (except phencyclidine or
flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW
9A.56.070)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property
(valued at two hundred fifty dollars or more but less
than one thousand five hundred dollars) (RCW
9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act constitute a new chapter in Title 69
RCW.

NEW SECTION. **Sec. 7.** If specific funding for the purposes of this act, referencing this act
by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act
is null and void.

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

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair;
Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine,
Kagi and Koster.

Referred to Committee on Appropriations.

February 23, 2000

SSB 6260 Prime Sponsor, Committee on Senate Judiciary: Increasing penalties for manufacturing a
controlled substance when children are present. Reported by Committee on Criminal Justice &
Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-
Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic
Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine,
Kagi and Koster.

Referred to Committee on Appropriations.

February 24, 2000

ESSB 6264 Prime Sponsor, Committee on Senate Transportation: Establishing intermediate drivers' licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature has recognized the need to develop a graduated licensing system in light of the disproportionately high incidence of motor vehicle crashes involving youthful motorists. This system will improve highway safety by progressively developing and improving the skills of younger drivers in the safest possible environment, thereby reducing the number of vehicle crashes.

NEW SECTION. Sec. 2. A new section is added to chapter 46.20 RCW to read as follows:

(1) An intermediate license authorizes the holder to drive a motor vehicle under the conditions specified in this section. An applicant for an intermediate license must be at least sixteen years of age and:

- (a) Have possessed a valid instruction permit for a period of not less than six months;
- (b) Have passed a driver licensing examination administered by the department;
- (c) Have passed a course of driver's education in accordance with the standards established in RCW 46.20.100;
- (d) Present certification by his or her parent, guardian, or employer to the department stating (i) that the applicant has had at least fifty hours of driving experience, ten of which were at night, during which the driver was supervised by a person at least twenty-one years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of traffic infraction or cited for a traffic violation that is pending at the time of the application for the intermediate license;
- (e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the intermediate license; and
- (f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(2) For the first six months after the issuance of an intermediate license or until the holder reaches eighteen years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of twenty who are not members of the holder's immediate family as defined in RCW 42.17.020. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of twenty who are not members of the holder's immediate family.

(3) The holder of an intermediate license may not operate a motor vehicle between the hours of 12 a.m. and 5 a.m. except when the holder is accompanied by a parent, guardian, or a licensed driver who is at least twenty-five years of age.

(4) It is a traffic infraction for the holder of an intermediate license to operate a motor vehicle in violation of the restrictions imposed under this section.

(5) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(6) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes.

NEW SECTION. Sec. 3. A new section is added to chapter 46.20 RCW to read as follows:

If a person issued an intermediate license is convicted of or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate license under section 2 of this act:

- (1) On the first such conviction or finding:

(a) The department shall mail the parent or guardian of the person a letter warning the person of the provisions of this section; and

(b) If the intermediate licensee is found to have committed a traffic infraction, the court shall waive the monetary penalty as allowed under RCW 46.63.110(7) and direct the licensee to take two additional hours of behind-the-wheel driver training from a licensed driver training school at the licensee's expense;

(2) On the second such conviction or finding, the department shall suspend the person's intermediate driver's license for a period of six months or until the person reaches eighteen years of age, whichever occurs first;

(3) On the third such conviction or finding, the department shall suspend the person's intermediate driver's license until the person reaches eighteen years of age.

For the purposes of this section, a single ticket for one or more traffic offenses constitutes a single traffic offense.

Sec. 4. RCW 46.20.091 and 1999 c 6 s 14 are each amended to read as follows:

(1) **Application.** In order to apply for a driver's license or instruction permit the applicant must provide his or her:

(a) Name of record, as established by documentation required under RCW 46.20.035;

(b) Date of birth, as established by satisfactory evidence of age;

(c) Sex;

(d) Washington residence address;

(e) Description;

(f) Driving licensing history, including:

(i) Whether the applicant has ever been licensed as a driver or chauffeur and, if so, (A) when and by what state or country; (B) whether the license has ever been suspended or revoked; and (C) the date of and reason for the suspension or revocation; or

(ii) Whether the applicant's application to another state or country for a driver's license has ever been refused and, if so, the date of and reason for the refusal; and

(g) Any additional information required by the department.

(2) **Sworn statement.** An application for an instruction permit or for an original driver's license must be made upon a form provided by the department. The form must include a section for the applicant to indicate whether he or she has received driver training and, if so, where. The identifying documentation verifying the name of record must be accompanied by the applicant's written statement that it is valid. The information provided on the form must be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant who makes a false statement on an application for a driver's license or instruction permit is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

(3) **Driving records from other jurisdictions.** If a person previously licensed in another jurisdiction applies for a Washington driver's license, the department shall request a copy of the applicant's driver's record from the other jurisdiction. The driving record from the other jurisdiction becomes a part of the driver's record in this state.

(4) **Driving records to other jurisdictions.** If another jurisdiction requests a copy of a person's Washington driver's record, the department shall provide a copy of the record. The department shall forward the record without charge if the other jurisdiction extends the same privilege to the state of Washington. Otherwise the department shall charge a reasonable fee for transmittal of the record.

Sec. 5. RCW 46.20.105 and 1987 c 463 s 3 are each amended to read as follows:

(1) The department may provide a method to distinguish the driver's license of a person who is under the age of twenty-one from the driver's license of a person who is twenty-one years of age or older.

(2) An instruction permit must be identified as an "instruction permit" and issued in a distinctive form as determined by the department.

(3) An intermediate license must be identified as an "intermediate license" and issued in a distinctive form as determined by the department.

Sec. 6. RCW 46.20.161 and 1999 c 308 s 2 are each amended to read as follows:

The department, upon receipt of a fee of twenty-five dollars, unless the driver's license is issued for a period other than five years, in which case the fee shall be five dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. A driver's license issued to a person under the age of eighteen is an intermediate license, subject to the restrictions imposed under section 2 of this act, until the person reaches the age of eighteen. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

Sec. 7. RCW 46.20.311 and 1998 c 212 s 1 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under section 3 of this act, RCW 46.20.342, or other provision of law. Except for a suspension under section 3 of this act, RCW 46.20.289, 46.20.291(5), or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(b)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and

thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 8. RCW 46.20.342 and 1999 c 274 s 3 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

- (i) A conviction of a felony in the commission of which a motor vehicle was used;
- (ii) A previous conviction under this section;
- (iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;
- (iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license;
- (v) A conviction of RCW (~~46.20.420~~) 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;
- (vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;
- (viii) A conviction of RCW 46.61.500, relating to reckless driving;
- (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;
- (x) A conviction of RCW 46.61.520, relating to vehicular homicide;
- (xi) A conviction of RCW 46.61.522, relating to vehicular assault;
- (xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;
- (xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xv) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xvi) An administrative action taken by the department under chapter 46.20 RCW; or

(xvii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, ~~((vi))~~ (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under section 3 of this act relating to intermediate drivers' licenses, or any combination of (i) through ~~((vi))~~ (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1) (a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec. 9. RCW 28A.220.030 and 1979 c 158 s 196 are each amended to read as follows:

(1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define a "realistic level of effort" required to provide an effective traffic safety education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective state-wide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the traffic safety education program; and each school district shall submit a report to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in

traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) The board of directors of a school district, or combination of school districts, may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory phase of the traffic safety education course. Instructors provided by any such contracting drivers' school must be properly qualified teachers of traffic safety education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

(4) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for traffic safety education instructors. The superintendent may phase in the requirement over not more than five years.

Sec. 10. RCW 28A.220.040 and 1984 c 258 s 331 are each amended to read as follows:

(1) Each school district shall be reimbursed from funds appropriated for traffic safety education(~~(: PROVIDED, That)~~).

(a) The state superintendent shall determine the per-pupil reimbursement amount for the traffic safety education course to be funded by the state. Each school district offering an approved standard traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be appropriated.

(b) The state superintendent may provide per-pupil reimbursements to school districts only where all the traffic educators have satisfied the continuing education requirement of RCW 28A.220.030(4).

(2) The board of directors of any school district or combination of school districts may establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in any such school district prior to or while enrolled in a traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the traffic safety education course.

NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.220 RCW to read as follows:

The superintendent of public instruction, in consultation with the department of licensing, shall adopt rules for implementing section 2(1)(d) of this act.

Sec. 1. RCW 46.63.110 and 1997 c 331 s 3 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension

of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

(6) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(7) If an intermediate licensee is found to have committed a traffic infraction, and it is the licensee's first such violation, the court shall waive the monetary penalty, except for the fee required under subsection (6) of this section and order the licensee to take two additional hours of behind-the-wheel driver training from a licensed driver training school at the licensee's expense.

NEW SECTION. Sec. 2. A new section is added to chapter 43.131 RCW to read as follows:

The intermediate driver's license program created by this act shall be reviewed under this chapter before June 30, 2008. The department of licensing, in cooperation with the Washington traffic safety commission, shall provide the information necessary for the joint legislative audit and review committee to provide the required review.

NEW SECTION. Sec. 3. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2009:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) The amendment of RCW 46.20.105 by section 5 of this act;
- (5) The amendment of RCW 46.20.161 by section 6 of this act;
- (6) The amendment of RCW 46.20.311 by section 7 of this act;
- (7) The amendment of RCW 46.20.342 by section 8 of this act;
- (8) Section 11 of this act;
- (9) The amendment of RCW 46.63.110 by section 12 of this act.

NEW SECTION. Sec. 4. Sections 1 through 10 and 12 of this act take effect July 1, 2001."

Correct the title.

Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Republican Vice Chair and Hatfield.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hurst, Lovick, McDonald, Mielke, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner, Wood and Woods.

Voting nay: Representatives Ericksen and Hatfield.

Passed to Rules Committee for Second Reading.

February 24, 2000

SB 6275 Prime Sponsor, Senator McAuliffe: Providing loans for certain public works projects.
Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Edmonds, Democratic Vice Chair; Esser, Republican Vice Chair; Anderson; Barlean; Bush; Constantine; Dunshee; Hankins; Koster; Lantz; Mastin; Miloscia; O'Brien; Ogden; Schoesler and Woods.

Voting yea: Representatives Alexander, Murray, Edmonds, Esser, Anderson, Barlean, Bush, Constantine, Dunshee, Hankins, Koster, Lantz, Mastin, Miloscia, O'Brien, Ogden, Schoesler and Woods.

Passed to Rules Committee for Second Reading.

February 24, 2000

SSB 6276 Prime Sponsor, Committee on Senate State & Local Government: Authorizing inclusion of cities and towns within emergency medical service districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 25, 2000

ESSB 6277 Prime Sponsor, Committee on Senate Environmental Quality & Water Resources:
Authorizing cost-reimbursement agreements for leases and environmental permits. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. It is the intent of the legislature to allow applicants for environmental permits for complex projects to compensate permitting agencies for providing environmental review through the voluntary negotiation of cost-reimbursement agreements with the permitting agency. It is the further intent of the legislature that cost-reimbursement agreements for complex projects free permitting agency resources to focus on the review of small projects permits.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21A RCW to read as follows:
COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF ECOLOGY. (1)
The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex

project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. Sec. 3. A new section is added to chapter 43.30 RCW to read as follows:
COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF NATURAL RESOURCES. (1) The department may enter into a written cost-reimbursement agreement with a permit or lease applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit or lease processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW. An applicant for a lease issued under chapter 79.90 RCW may not enter into a cost-reimbursement agreement under this section for projects conducted under the lease.

(2) The written cost-reimbursement agreement shall be negotiated with the permit or lease applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit or lease. The department shall make an estimate of the number of permanent staff hours to process the permits or leases, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits or leases not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. Sec. 4. A new section is added to chapter 43.70 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF HEALTH. (1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing.

The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. Sec. 5. A new section is added to chapter 43.300 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF FISH AND WILDLIFE. (1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. Sec. 6. A new section is added to chapter 70.94 RCW to read as follows:
COST-REIMBURSEMENT AGREEMENT BY AN AIR POLLUTION CONTROL

AUTHORITY. (1) An authority may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the authority in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the air pollution control authority to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The air pollution control authority may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The air pollution control authority shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The air pollution control authority may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The provisions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement. Members of the air pollution control authority's board of directors shall be considered as state officers, and employees of the air pollution control authority shall be considered as state employees, for the sole purpose of applying the restrictions of chapter 42.52 RCW to this section.

(3) An air pollution control authority may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. Sec. 7. A new section is added to chapter 90.44 RCW to read as follows:

Any applicant for a new withdrawal or a change, transfer, or amendment of a water right pending before the department, may initiate a cost-reimbursement agreement with the department to provide expedited review of the application. A cost-reimbursement agreement may only be initiated under this section if the applicant agrees to pay for, or as part of a cooperative effort agrees to pay for, the cost of processing his or her application and all other applications from the same source of supply which must be acted upon before the applicant's request because they were filed prior to the date of when the applicant filed. The department shall use the process established under section 2 of this act for entering into cost-reimbursement agreements, except that it is not necessary for an environmental impact statement to be filed as a prerequisite for entering into a cost-reimbursement agreement under this section.

NEW SECTION. Sec. 8. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 22, 2000

SB 6285 Prime Sponsor, Senator Hargrove: Establishing Pearl Harbor remembrance day. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 25, 2000

ESSB 6295 Prime Sponsor, Committee on Senate Judiciary: Changing garnishment proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 25, 2000

ESSB 6305 Prime Sponsor, Committee on Senate Human Services & Corrections: Changing provisions relating to guardians ad litem. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 11.88.090 and 1999 c 360 s 1 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180 shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his or her behalf.

(2) Prior to the appointment of a guardian or a limited guardian, whenever it appears that the incapacitated person or incapacitated person's estate could benefit from mediation and such mediation would likely result in overall reduced costs to the estate, upon the motion of the alleged incapacitated person or the guardian ad litem, or subsequent to such appointment, whenever it appears that the incapacitated person or incapacitated person's estate could benefit from mediation and such mediation would likely result in overall reduced costs to the estate, upon the motion of any interested person, the court may:

(a) Require any party or other person subject to the jurisdiction of the court to participate in mediation;

(b) Establish the terms of the mediation; and

(c) Allocate the cost of the mediation pursuant to RCW 11.96.140.

(3) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to:

(a) Be free of influence from anyone interested in the result of the proceeding; and

(b) Have the requisite knowledge, training, or expertise to perform the duties required by this section.

The guardian ad litem shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, each party with a statement including: His or her training relating to the duties as a guardian ad litem; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the guardian ad litem's statement, any party may set a hearing and file and serve a motion for an order to show cause why the guardian ad litem should not be removed for one of the following three reasons: (i) Lack of expertise necessary for the proceeding; (ii) an hourly rate higher than what is reasonable for the particular proceeding; or (iii) a conflict of interest. Notice of the hearing shall be provided to the guardian ad litem and all parties. If, after a hearing, the court enters an order replacing the guardian ad litem, findings shall be included, expressly stating the reasons for the removal. If the guardian ad litem is not removed, the court has the authority to assess to the moving party, attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection (5) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

(4)(a) The superior court of each county shall develop and maintain a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardian ad litem a person whose name appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(b) To be eligible for the registry a person shall:

(i) Present a written statement outlining his or her background and qualifications. The background statement shall include, but is not limited to, the following information:

(A) Level of formal education;

(B) Training related to the guardian ad litem's duties;

(C) Number of years' experience as a guardian ad litem;

(D) Number of appointments as a guardian ad litem and the county or counties of appointment;

(E) Criminal history, as defined in RCW 9.94A.030; and

(F) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW.

The written statement of qualifications shall include ~~((a statement of the number of times the guardian ad litem has been removed for failure to perform his or her duties as guardian ad litem))~~ the names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and

~~((ii))~~ (ii) Complete the ~~((model))~~ ~~((program))~~ training ~~((e))~~ (e) of this subsection. The training is not applicable to guardians ad litem appointed pursuant to special proceeding Rule 98.16W.

~~((c))~~ (c) Superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

~~((d))~~ (d) The background and qualification information shall be updated annually.

~~((e))~~ (e) The department of social and health services shall convene an advisory group to develop a model guardian ad litem training program and shall update the program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, domestic violence, aging, legal, court administration, the Washington state bar association, and other interested parties.

~~((f))~~ (f) The superior court shall require utilization of the model program developed by the advisory group as described in ~~((e))~~ (e) of this subsection, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem.

(5) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, ~~((durable))~~ durable powers of attorney, or blocked accounts; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship;

(f) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of any alternative arrangements previously made by the alleged incapacitated person or which could be made, and whether and to what extent such alternatives should be used in lieu of a guardianship, and if the guardian ad litem is recommending discontinuation of any such arrangements, specific findings as to why such arrangements are contrary to the best interest of the alleged incapacitated person;

(v) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

(vi) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

(vii) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

(viii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; and

(ix) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least fifteen days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her counsel, spouse, all children not residing with a notified person, those persons described in (f)(viii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad litem needs additional time to finalize his or her report, then the guardian ad litem shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of each following month until the hearing, the guardian ad litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred;

(g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

(6) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to subsection (5)(f) of this section.

(7) The parties to the proceeding may file responses to the guardian ad litem report with the court and deliver such responses to the other parties and the guardian ad litem at any time up to the second day prior to the hearing. If a guardian ad litem fails to file his or her report in a timely manner, the hearing shall be continued to give the court and the parties at least fifteen days before the hearing to review the report. At any time during the proceeding upon motion of any party or on the court's own motion, the court may remove the guardian ad litem for failure to perform his or her duties as specified in this chapter, provided that the guardian ad litem shall have five days' notice of any motion to

remove before the court enters such order. In addition, the court in its discretion may reduce a guardian ad litem's fee for failure to carry out his or her duties.

(8) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

(9) The court-appointed guardian ad litem shall have the authority to move for temporary relief under chapter 7.40 RCW to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.

(10) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That ~~((if no guardian or limited guardian is appointed))~~ the court may charge such fee to the petitioner ~~((or))~~, the alleged incapacitated person, or ~~((divide))~~ any person who has appeared in the action; or may allocate the fee, as it deems just~~((; and))~~. If the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(11) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

(12) The guardian ad litem shall appear in person at all hearings on the petition unless all parties provide a written waiver of the requirement to appear.

(13) At any hearing the court may consider whether any person who makes decisions regarding the alleged incapacitated person or estate has breached a statutory or fiduciary duty.

Sec. 2. RCW 13.34.100 and 1996 c 249 s 13 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) Training related to the guardian's duties;
- (c) Number of years' experience as a guardian ad litem;
- (d) Number of appointments as a guardian ad litem and the county or counties of appointment;

~~((and))~~

(e) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and

(f) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 3. RCW 13.34.102 and 1997 c 41 s 6 are each amended to read as follows:

(1) All guardians ad litem(~~(, who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998,))~~ must ~~((complete the curriculum developed by the office of the administrator for the courts))~~ comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 13 RCW, except that volunteer guardians ad litem or court-appointed special advocates ((accepted into a volunteer program after January 1, 1998,)) may ((complete an)) comply with alternative ((curriculum)) training requirements approved by the office of the administrator for the courts that meet((s) or exceed((s) the state-wide ((curriculum)) requirements.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as

specified in RCW 13.34.100(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) The superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

Sec. 4. RCW 13.34.105 and 1999 c 390 s 2 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem include but are not limited to the following:

(a) To ~~((represent))~~ investigate, collect relevant information about the child's situation, and ((be an advocate for)) report to the court factual information regarding the best interests of the child;

(b) ~~((To collect relevant information about the child's situation;~~

~~((c))~~ To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order; ~~((and~~

~~((d))~~ (c) To report to the court information on the legal status of a child's membership in any Indian tribe or band;

(d) Court-appointed special advocates and guardians ad litem may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties; and

(e) To represent and be an advocate for the best interests of the child.

(2) ~~((The))~~ A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

(3) Except for information or records specified in RCW 13.50.100(5), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

(4) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

(5) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.

Sec. 5. RCW 13.34.120 and 1998 c 328 s 4 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. A parent may submit a counselor's or health care provider's evaluation of the parent, which shall either be included in the social study or considered in conjunction with the social study. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file, social study, guardian ad litem report, the court-appointed special advocate's report, if any, and any reports filed by a party at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the

department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(4) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs which have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(3)(a) The guardian ad litem or court-appointed special advocate shall file his or her report with the court and with the parties pursuant to court rule prior to a hearing for which a report is required. The report shall include a written list of persons interviewed and reports or documentation considered. If the report makes particular recommendations, the report shall include specific information on which the guardian ad litem or court-appointed special advocate relied in making each particular recommendation.

(b) The parties to the proceeding may file written responses to the guardian ad litem's or court-appointed special advocate's report with the court and deliver such responses to the other parties at a reasonable time or pursuant to court rule before the hearing. The court shall consider any written responses to the guardian ad litem's or court-appointed special advocate's report, including any factual information or recommendations provided in the report.

Sec. 6. RCW 26.12.175 and 1996 c 249 s 15 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.

(b) Unless otherwise ordered, the guardian ad litem's role is to investigate and report factual information to the court concerning parenting arrangements for the child, and to represent the child's best interests. Guardians ad litem and investigators under this title may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties. If a child expresses a preference regarding the parenting plan, the guardian ad litem shall report the preferences to the court, together with the facts relative to whether any preferences are being expressed voluntarily and

the degree of the child's understanding. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The parties to the proceeding may file with the court written responses to any report filed by the guardian ad litem or investigator. The court shall consider any written responses to a report filed by the guardian ad litem or investigator, including any factual information or recommendations provided in the report.

(d) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court-appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background file shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) Training related to the guardian's duties;
- (c) Number of years' experience as a guardian ad litem;
- (d) Number of appointments as a guardian ad litem and county or counties of appointment;

((and))

(e) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and

(f) Criminal history, as defined in RCW 9.94A.030.

The background information report shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person shall provide the background information to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment. The background statement shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends and the appointment shall be effective immediately. The court shall appoint the person recommended by the program. If a party in a case reasonably believes the court-appointed special advocate or volunteer is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 7. RCW 26.12.177 and 1997 c 41 s 7 are each amended to read as follows:

(1) All guardians ad litem ~~(, who have not previously served or been trained as a guardian ad litem in this state, who are appointed after January 1, 1998,)~~ and investigators appointed under this title must ~~((complete the curriculum developed by the office of the administrator for the courts))~~ comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates ~~((accepted into a volunteer program after January 1, 1998,))~~ may ~~((complete an))~~ comply with alternative ~~((curriculum))~~ training requirements approved by the office of the administrator for the courts that meet~~((s))~~ or exceed~~((s))~~ the state-wide ~~((curriculum))~~ requirements.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

NEW SECTION. Sec. 8. A new section is added to chapter 26.12 RCW to read as follows:

All information, records, and reports obtained or created by a guardian ad litem, court-appointed special advocate, or investigator under this title shall be discoverable pursuant to statute and court rule. The guardian ad litem, court-appointed special advocate, or investigator shall not release private or confidential information to any nonparty except pursuant to a court order signed by a judge. The guardian ad litem, court-appointed special advocate, or investigator may share private or confidential information with experts or staff he or she has retained as necessary to perform the duties of guardian ad litem, court-appointed special advocate, or investigator. Any expert or staff retained are subject to the confidentiality rules governing the guardian ad litem, court-appointed special advocate, or investigator. Nothing in this section shall be interpreted to authorize disclosure of guardian ad litem records in personal injury actions.

Sec. 9. RCW 26.12.185 and 1999 c 390 s 4 are each amended to read as follows:

A guardian ad litem, court-appointed special advocate, or investigator under this title appointed under this chapter may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

NEW SECTION. Sec. 10. A new section is added to chapter 11.88 RCW to read as follows:

A guardian ad litem shall not engage in ex parte communications with any judicial officer involved in the matter for which he or she is appointed during the pendency of the proceeding, except as permitted by court rule or statute for ex parte motions. Ex parte motions shall be heard in open

court on the record. The record may be preserved in a manner deemed appropriate by the county where the matter is heard. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on the pending case.

NEW SECTION. Sec. 11. A new section is added to chapter 13.34 RCW to read as follows:

A guardian ad litem or court-appointed special advocate shall not engage in ex parte communications with any judicial officer involved in the matter for which he or she is appointed during the pendency of the proceeding, except as permitted by court rule or statute for ex parte motions. Ex parte motions shall be heard in open court on the record. The record may be preserved in a manner deemed appropriate by the county where the matter is heard. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem or court-appointed special advocate who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on the pending case.

NEW SECTION. Sec. 12. A new section is added to chapter 26.12 RCW to read as follows:

A guardian ad litem, court-appointed special advocate, or investigator shall not engage in ex parte communications with any judicial officer involved in the matter for which he or she is appointed during the pendency of the proceeding, except as permitted by court rule or statute for ex parte motions. Ex parte motions shall be heard in open court on the record. The record may be preserved in a manner deemed appropriate by the county where the matter is heard. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem, court-appointed special advocate, or investigator who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on the pending case.

NEW SECTION. Sec. 13. A new section is added to chapter 11.88 RCW to read as follows:

The court shall specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional court review and approval. The court shall specify rates and fees in the order of appointment or at the earliest date the court is able to determine the appropriate rates and fees and prior to the guardian ad litem billing for his or her services. This section shall apply except as provided by local court rule.

NEW SECTION. Sec. 14. A new section is added to chapter 13.34 RCW to read as follows:

The court shall specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional court review and approval. The court shall specify rates and fees in the order of appointment or at the earliest date the court is able to determine the appropriate rates and fees and prior to the guardian ad litem billing for his or her services. This section shall apply except as provided by local court rule.

NEW SECTION. Sec. 15. A new section is added to chapter 26.12 RCW to read as follows:

The court shall specify the hourly rate the guardian ad litem or investigator under this title may charge for his or her services, and shall specify the maximum amount the guardian ad litem or investigator under this title may charge without additional court review and approval. The court shall specify rates and fees in the order of appointment or at the earliest date the court is able to determine the appropriate rates and fees and prior to the guardian ad litem billing for his or her services. This section shall apply except as provided by local court rule.

NEW SECTION. Sec. 16. Each superior court shall adopt rules establishing and governing procedures for filing, investigating, and adjudicating grievances made by or against guardians ad litem under Titles 11, 13, and 26 RCW."

Correct the title.

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 23, 2000

SSB 6336 Prime Sponsor, Committee on Senate Human Services & Corrections: Eliminating retroactive tolling provisions for restitution/legal financial obligations and allowing tolling for other forms of supervision. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.120 and 1999 c 324 s 2, 1999 c 197 s 4, 1999 c 196 s 5, and 1999 c 147 s 3 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), ~~((5), (7), or)~~ (6), (8), or (9), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except: (a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(5)(a) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include a term of community supervision or

community custody as specified in (b) of this subsection, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient treatment for up to the period specified in (b) of this subsection, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (iii) Pursue a prescribed, secular course of study or vocational training;
- (iv) Remain within prescribed geographical boundaries and notify the community corrections officer prior to any change in the offender's address or employment;
- (v) Report as directed to a community corrections officer; or
- (vi) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(b) The terms and statuses applicable to sentences under (a) of this subsection are:

(i) For sentences imposed on or after July 25, 1999, for crimes committed before July 1, 2000, up to one year of community supervision. If treatment is ordered, the period of community supervision may include up to the period of treatment, but shall not exceed two years; and

(ii) For crimes committed on or after July 1, 2000, up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years. Any term of community custody imposed under this subsection (5) is subject to conditions and sanctions as authorized in this subsection (5) and in subsection (11)(b) and (c) of this section.

(c) The department shall discharge from community supervision any offender sentenced under this subsection (5) before July 25, 1999, who has served at least one year of community supervision and has completed any treatment ordered by the court.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no current or prior convictions for a sex offense or violent offense in this state, another state, or the United States;

(iii) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance; and

(iv) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order.

(b) If the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections.

The court shall also impose:

(i) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services;

(ii) Crime-related prohibitions including a condition not to use illegal controlled substances; and

(iii) A requirement to submit to urinalysis or other testing to monitor that status.

The court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender

may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

- (A) Devote time to a specific employment or training;
- (B) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;
- (C) Report as directed to a community corrections officer;
- (D) Pay all court-ordered legal financial obligations;
- (E) Perform community service work;
- (F) Stay out of areas designated by the sentencing judge;
- (G) Such other conditions as the court may require such as affirmative conditions.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, a violation hearing shall be held by the department unless waived by the offender. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(e) An offender who fails to complete the special drug offender sentencing alternative program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time. An offender who violates any conditions of supervision as defined by the department shall be sanctioned. Sanctions may include, but are not limited to, reclassifying the offender to serve the unexpired term of his or her sentence as ordered by the sentencing judge. If an offender is reclassified to serve the unexpired term of his or her sentence, the offender shall be subject to all rules relating to earned early release time.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community service work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in subsection (11)(b) and (c) of this section; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(d) Within the funds available for this purpose, the department shall develop and monitor transition and relapse prevention strategies, including risk assessment and release plans, to reduce risk to the community after sex offenders' terms of confinement in the custody of the department.

(9)(a)(i) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW

9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, but before July 25, 1999, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(ii) Except for persons sentenced under (b) of this subsection or subsection (10)(a) of this section, when a court sentences a person to a term of total confinement to the custody of the department of corrections for a violent offense, any crime against a person under RCW 9.94A.440(2), or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 25, 1999, but before July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences the offender under this subsection (9)(a)(ii) to the statutory maximum period of confinement, then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, or a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, but before July 1, 2000, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
- (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
- (iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- (iv) The offender shall pay supervision fees as determined by the department of corrections;
- (v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and
- (vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

- (i) The offender shall remain within, or outside of, a specified geographical boundary;
- (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The offender shall comply with any crime-related prohibitions; or

(vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, but before July 1, 2000, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11)(a) When a court sentences a person to the custody of the department of corrections for a sex offense, a violent offense, any crime against a person under RCW 9.94A.440(2), or a felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range or up to the period of earned release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in subsection (9)(b)(i) through (vi) of this section. The conditions may also include those provided for in subsection (9)(c)(i) through (vi) of this section. The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to (f) of this subsection. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (15) of this section. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(c) If an offender violates conditions imposed by the court or the department pursuant to this subsection during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.205 and 9.94A.207.

(d) Except for terms of community custody under subsection (8) of this section, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(e) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(f) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (11)(f).

(g) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (i) The crime of conviction; (ii) the offender's risk of reoffending; or (iii) the safety of the community.

(12) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(13)(a) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit.

(b) For an offense committed prior to July 1, 2000, the offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement, whichever period ends later. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period.

(c) For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department of corrections shall supervise the offender's compliance with payment of the legal financial obligations for ten years following the entry of the judgment and sentence or ten years following the

offender's release from total confinement, whichever period ends later. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction.

(d) Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(14) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(15) All offenders sentenced to terms involving community supervision, community service, community placement, community custody, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the department may additionally require the offender to participate in rehabilitative programs or otherwise perform affirmative conduct, and to obey all laws.

The conditions authorized under this subsection (15)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of an offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) or (11) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) or (11)(e) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(16) All offenders sentenced to terms involving community supervision, community service, community custody, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(17) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(18) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the

limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(19) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(20) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(21) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(22) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(23) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

(24) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

(25)(a) Sex offender examinations and treatment ordered as a special condition of community placement or community custody under this section shall be conducted only by sex offender treatment providers certified by the department of health under chapter 18.155 RCW unless the court finds that: (i) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (ii) no certified providers are available for treatment within a reasonable geographic distance of the offender's home, as determined in rules adopted by the secretary; (iii) the evaluation and treatment plan comply with the rules adopted by the department of health; or (iv) the treatment provider is employed by the department. A treatment provider selected by an offender who is not certified by the department of health shall consult with a certified provider during the offender's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified provider.

(b) A sex offender's failure to participate in treatment required as a condition of community placement or community custody is a violation that will not be excused on the basis that no treatment provider was located within a reasonable geographic distance of the offender's home.

Sec. 2. RCW 9.94A.142 and 1997 c 121 s 4 and 1997 c 52 s 2 are each reenacted and amended to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days except as provided in subsection (4) of this section. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may

have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Except as provided in subsection (3) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period ((is longer) ends later. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during ~~((either the initial ten-year period or subsequent ten-year period if the criminal judgment is extended))~~ any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department of corrections for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. ~~((If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period))~~ The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (3) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The defendant shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the defendant has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(4) Regardless of the provisions of subsections (1), (2), and (3) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims'

compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(5) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(6) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant including support enforcement remedies for support ordered under subsection (3) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(7) This section shall apply to offenses committed after July 1, 1985.

Sec. 3. RCW 9.94A.145 and 1999 c 196 s 6 are each amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, after restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department of corrections.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be immediately issued. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through

the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.140(3) or 9.94A.142(3) to a victim of rape of a child and the victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.140(3) and 9.94A.142(3). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ~~((is longer))~~ ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. ~~((If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period))~~ All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. The department of corrections shall supervise the offender's compliance with payment of the legal financial obligations for ten years following the entry of the judgment and sentence, or ten years following the offender's release from total confinement, whichever period ends later. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(11) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with notice of payments by such offenders no less frequently than weekly.

(12) The department may arrange for the collection of unpaid legal financial obligations through the county clerk, or through another entity if the clerk does not assume responsibility for collection. The costs for collection services shall be paid by the offender.

Sec. 4. RCW 9.94A.170 and 1999 c 196 s 7 and 1999 c 143 s 14 are each reenacted and amended to read as follows:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) ~~((A))~~ Any term of community custody ((ordered in a sentence pursuant to this chapter)), community placement, or community supervision shall be tolled by any period of time during which the offender has absented himself or herself from supervision without prior approval of the entity under whose ~~((community custody))~~ supervision the offender has been placed.

(3) Any period of community custody, community placement, or community supervision shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to RCW 9.94A.207 or 9.94A.195 and is later found not to have violated a condition or requirement of community custody, community placement, or community supervision, time spent in confinement due to such detention shall not toll the period of community custody, community placement, or community supervision.

(4) For ~~terms of confinement or community custody ((sentences))~~, community placement, or community supervision, the date for the tolling of the sentence shall be established by the entity responsible for the confinement or ~~((community custody))~~ supervision.

Sec. 5. RCW 10.82.090 and 1995 c 291 s 7 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, financial obligations imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

(2) With respect to financial obligations imposed for offenses committed on or after July 1, 2000, interest shall not accrue during any period of time the offender is in total confinement in a state correctional institution as defined in RCW 9.94.049, an institution operated or utilized by the department of corrections, an out-of-state correctional institution, or a federal correctional institution.

NEW SECTION. **Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 7.** Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 24, 2000

SSB 6349 Prime Sponsor, Committee on Senate Environmental Quality & Water Resources:
Extending the expiration date of the water well delegation program. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6351 Prime Sponsor, Committee on Senate Judiciary: Providing additional authority for superior court commissioners. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Lambert, Republican Vice Chair; Cox; Esser; Lovick; McDonald and Schindler.

MINORITY recommendation: Do not pass. Signed by Representatives Hurst, Democratic Vice Chair; Dickerson; Kastama and Lantz.

Voting yea: Representatives Carrell, Constantine, Lambert, Cox, Esser, Lovick, McDonald and Schindler.

Voting nay: Representatives Hurst, Dickerson, Kastama and Lantz.

Passed to Rules Committee for Second Reading.

February 24, 2000

SSB 6361 Prime Sponsor, Committee on Senate Human Services & Corrections: Protecting children at the state school for the deaf and the state school for the blind from abuse and neglect. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 72.40 RCW to read as follows:
The state school for the deaf and the state school for the blind shall promote the personal safety of students and protect the children who attend from child abuse and neglect as defined in RCW 26.44.020.

NEW SECTION. Sec. 2. A new section is added to chapter 72.40 RCW to read as follows:

The superintendents of the state school for the deaf and the state school for the blind or their designees shall immediately report to the persons indicated the following events:

- (1) To the child's parent, custodian, or guardian:
 - (a) The death of the child;
 - (b) Hospitalization of a child in attendance or residence at the school;
 - (c) Allegations of child abuse or neglect in which the parent's child in attendance or residence at the school is the alleged victim;
 - (d) Allegations of physical or sexual abuse in which the parent's child in attendance or residence at the school is the alleged perpetrator;
 - (e) Life-threatening illness;
 - (f) The attendance at the school of any child who is a registered sex offender under RCW 9A.44.130 as permitted by RCW 4.24.550.
- (2) Notification to the parent shall be made by the means most likely to be received by the parent. If initial notification is made by telephone, such notification shall be followed by notification in writing within forty-eight hours after the initial oral contact is made.

NEW SECTION. Sec. 3. A new section is added to chapter 72.40 RCW to read as follows:

- (1) The superintendents of the state school for the deaf and the state school for the blind shall maintain in writing and implement behavior management policies and procedures that accomplish the following:
 - (a) Support the child's appropriate social behavior, self-control, and the rights of others;
 - (b) Foster dignity and self-respect for the child;
 - (c) Reflect the ages and developmental levels of children in care.
- (2) The state school for the deaf and the state school for the blind shall use proactive, positive behavior support techniques to manage potential child behavior problems. These techniques shall include but not be limited to:
 - (a) Organization of the physical environment and staffing patterns to reduce factors leading to behavior incidents;
 - (b) Intervention before behavior becomes disruptive, in the least invasive and least restrictive manner available;
 - (c) Emphasis on verbal deescalation to calm the upset child;
 - (d) Redirection strategies to present the child with alternative resolution choices.

NEW SECTION. Sec. 4. A new section is added to chapter 72.40 RCW to read as follows:

- (1) The state school for the deaf and the state school for the blind shall ensure that all staff, within two months of beginning employment, complete a minimum of fifteen hours of job orientation which shall include, but is not limited to, presentation of the standard operating procedures manual for each school, describing all policies and procedures specific to the school.
- (2) The state school for the deaf and the state school for the blind shall ensure that all new staff receive thirty-two hours of job specific training within ninety days of employment which shall include, but is not limited to, promoting and protecting student personal safety. All staff shall receive thirty-two hours of ongoing training in these areas every two years.

NEW SECTION. Sec. 5. A new section is added to chapter 72.40 RCW to read as follows:

The residential program at the state school for the deaf and the state school for the blind shall employ residential staff in sufficient numbers to ensure the physical and emotional needs of the residents are met. Residential staff shall be on duty in sufficient numbers to ensure the safety of the children residing there.

For purposes of this section, "residential staff" means staff in charge of supervising the day-to-day living situation of the children in the residential portion of the schools.

NEW SECTION. Sec. 6. A new section is added to chapter 72.40 RCW to read as follows:

In addition to the powers and duties under RCW 72.40.022 and 72.40.024, the superintendents of the state school for the deaf and the state school for the blind shall:

(1) Develop written procedures for the supervision of employees and volunteers who have the potential for contact with students. Such procedures shall be designed to prevent child abuse and neglect by providing for adequate supervision of such employees and volunteers, taking into consideration such factors as the student population served, architectural factors, and the size of the facility. Such procedures shall include, but need not be limited to, the following:

- (a) Staffing patterns and the rationale for such;
- (b) Responsibilities of supervisors;
- (c) The method by which staff and volunteers are made aware of the identity of all supervisors, including designated on-site supervisors;
- (d) Provision of written supervisory guidelines to employees and volunteers;
- (e) Periodic supervisory conferences for employees and volunteers; and
- (f) Written performance evaluations of staff to be conducted by supervisors in a manner consistent with applicable provisions of the civil service law.

(2) Develop written procedures for the protection of students when there is reason to believe an incident has occurred which would render a child student an abused or neglected child within the meaning of RCW 26.44.020. Such procedures shall include, but need not be limited to, the following:

(a) Investigation. Immediately upon notification that a report of child abuse or neglect has been made to the department of social and health services or a law enforcement agency, the superintendent shall:

- (i) Preserve any potential evidence through such actions as securing the area where suspected abuse or neglect occurred;
- (ii) Obtain proper and prompt medical evaluation and treatment, as needed, with documentation of any evidence of abuse or neglect; and
- (iii) Provide necessary assistance to the department of social and health services and local law enforcement in their investigations;

(b) Safety. Upon notification that a report of suspected child abuse or neglect has been made to the department of social and health services or a law enforcement agency, the superintendent or his or her designee, with consideration for causing as little disruption as possible to the daily routines of the students, shall evaluate the situation and immediately take appropriate action to assure the health and safety of the students involved in the report and of any other students similarly situated, and take such additional action as is necessary to prevent future acts of abuse or neglect. Such action may include:

- (i) Consistent with federal and state law:
 - (A) Removing the alleged perpetrator from the school;
 - (B) Increasing the degree of supervision of the alleged perpetrator; and
 - (C) Initiating appropriate disciplinary action against the alleged perpetrator;
- (ii) Provision of increased training and increased supervision to volunteers and staff pertinent to the prevention and remediation of abuse and neglect;
- (iii) Temporary removal of the students from a program and reassignment of the students within the school, as an emergency measure, if it is determined that there is a risk to the health or safety of such students in remaining in that program. Whenever a student is removed, pursuant to this subsection (2)(b)(iii), from a special education program or service specified in his or her individualized education program, the action shall be reviewed in an individualized education program meeting; and
- (iv) Provision of counseling to the students involved in the report or any other students, as appropriate;

(c) Corrective action plans. Upon receipt of the results of an investigation by the department of social and health services pursuant to a report of suspected child abuse or neglect, the superintendent, after consideration of any recommendations by the department of social and health services for preventive and remedial action, shall implement a written plan of action designed to assure the continued health and safety of students and to provide for the prevention of future acts of abuse or neglect.

NEW SECTION. **Sec. 7.** A new section is added to chapter 72.40 RCW to read as follows:
In consideration of the needs and circumstances of the program, the state school for the deaf and the state school for the blind shall provide instruction to all students in techniques and procedures

which will enable the students to protect themselves from abuse and neglect. Such instruction shall be described in a written plan to be submitted to the board of trustees for review and approval, and shall be:

- (1) Appropriate for the age, individual needs, and particular circumstances of students, including the existence of mental, physical, emotional, or sensory disabilities;
- (2) Provided at different times throughout the year in a manner which will ensure that all students receive such instruction; and
- (3) Provided by individuals who possess appropriate knowledge and training, documentation of which shall be maintained by the school.

Sec. 8. RCW 72.40.040 and 1993 c 147 s 3 are each amended to read as follows:

(1) The schools shall be free to residents of the state between the ages of three and twenty-one years, who are blind/visually impaired or deaf/hearing impaired, or with other disabilities where a vision or hearing disability is the major need for services.

(2) The schools may provide nonresidential services to children ages birth through three who meet the eligibility criteria in this section, subject to available funding.

(3) Each school shall admit and retain students on a space available basis according to criteria developed and published by each school superintendent in consultation with each board of trustees and school faculty: PROVIDED, That students over the age of twenty-one years, who are otherwise qualified may be retained at the school, if in the discretion of the superintendent in consultation with the faculty they are proper persons to receive further training given at the school and the facilities are adequate for proper care, education, and training.

(4) The admission and retention criteria developed and published by each school superintendent shall contain a provision allowing the schools to refuse to admit or retain a student who is an adjudicated sex offender except that the schools shall not admit or retain a student who is an adjudicated level III sex offender as provided in RCW 13.40.217(3).

Sec. 9. RCW 72.40.050 and 1985 c 378 s 20 are each amended to read as follows:

(1) The superintendents may admit to their respective schools visually or hearing impaired children from other states as appropriate, but the parents or guardians of such children or other state will be required to pay annually or quarterly in advance a sufficient amount to cover the cost of maintaining and educating such children as set by the applicable superintendent.

(2) The admission and retention criteria developed and published by each school superintendent shall contain a provision allowing the schools to refuse to admit or retain a nonresident student who is an adjudicated sex offender, or the equivalent under the laws of the state in which the student resides, except that the schools shall not admit or retain a nonresident student who is an adjudicated level III sex offender or the equivalent under the laws of the state in which the student resides.

NEW SECTION. **Sec. 10.** A new section is added to chapter 72.40 RCW to read as follows:

(1) The schools shall implement a policy for the children who reside at the schools protecting those who are vulnerable to sexual victimization by other children who are sexually aggressive and residing at the schools. The policy shall include, at a minimum, the following elements:

(a) Development and use of an assessment process for identifying children, within thirty days of beginning residence at the schools, who present a moderate or high risk of sexually aggressive behavior for the purposes of this section. The assessment process need not require that every child who is adjudicated or convicted of a sex offense as defined in RCW 9.94A.030 be determined to be sexually aggressive, nor shall a sex offense adjudication or conviction be required in order to determine a child is sexually aggressive. Instead, the assessment process shall consider the individual circumstances of the child, including his or her age, physical size, sexual abuse history, mental and emotional condition, and other factors relevant to sexual aggressiveness. The definition of "sexually aggressive youth" in RCW 74.13.075 does not apply to this section to the extent that it conflicts with this section;

(b) Development and use of an assessment process for identifying children, within thirty days of beginning residence at the schools, who may be vulnerable to victimization by children identified

under (a) of this subsection as presenting a moderate or high risk of sexually aggressive behavior. The assessment process shall consider the individual circumstances of the child, including his or her age, physical size, sexual abuse history, mental and emotional condition, and other factors relevant to vulnerability;

(c) Development and use of placement criteria to avoid assigning children who present a moderate or high risk of sexually aggressive behavior to the same sleeping quarters as children assessed as vulnerable to sexual victimization, except that they may be assigned to the same multiple-person sleeping quarters if those sleeping quarters are regularly monitored by visual surveillance equipment or staff checks;

(d) Development and use of procedures for minimizing, within available funds, unsupervised contact in the residential facilities of the schools between children presenting moderate to high risk of sexually aggressive behavior and children assessed as vulnerable to sexual victimization. The procedures shall include taking reasonable steps to prohibit any child residing at the schools who present a moderate to high risk of sexually aggressive behavior from entering any sleeping quarters other than the one to which they are assigned, unless accompanied by an authorized adult.

(2) For the purposes of this section, the following terms have the following meanings:

(a) "Sleeping quarters" means the bedrooms or other rooms within a residential facility where children are assigned to sleep.

(b) "Unsupervised contact" means contact occurring outside the sight or hearing of a responsible adult for more than a reasonable period of time under the circumstances.

NEW SECTION. **Sec. 11.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 12.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Referred to Committee on Appropriations.

February 25, 2000

ESSB 6363 Prime Sponsor, Committee on Senate State & Local Government: Clarifying procedures for absentee voting and mail ballots. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I
ABSENTEE VOTING

Sec. 1. RCW 29.36.010 and 1991 c 81 s 29 are each amended to read as follows:

ABSENTEE BALLOT VOTING. Any registered voter of the state or any out-of-state voter, overseas voter, or service voter may vote by absentee ballot in any general election, special election, or primary in the manner provided in this chapter. Out-of-state voters, overseas voters, and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter.

~~((1) Except as provided in subsections (2) and (3) of this section, in RCW 29.36.013, and in RCW 29.36.170, a registered voter or elector desiring to cast an absentee ballot must request the absentee ballot from his or her county auditor no earlier than forty five days nor later than the day before any election or primary. Except as provided in subsection (3) of this section and in RCW 29.36.170, the request may be made orally in person, by telephone, or in writing. An application or request for an absentee ballot made under the authority of any federal statute or regulation shall be considered and given the same effect as a request for an absentee ballot under this chapter.~~

~~(2) For any registered voter, a request for an absentee ballot for a primary shall be honored as a request for an absentee ballot for the following general election if the voter so indicates in his or her request. For any out of state voter, overseas voter, or service voter, a request for an absentee ballot for a primary election shall also be honored as a request for an absentee ballot for the following general election.~~

~~(3) A voter admitted to a hospital no earlier than five days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the voter's written application for an absentee ballot.~~

~~(4) In a voter's request for an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an out of state voter, overseas voter, or service voter shall state the address of that elector's last residence for voting purposes in the state of Washington and either a written application or the oath on the return envelope shall include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee ballot from any other voter shall state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify such information from the voter registration records of the county.~~

~~(5) A request for an absentee ballot from a registered voter who is within this state shall be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an out of state voter, overseas voter, or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor. No person, organization, or association may distribute absentee ballot applications within this state that contain any return address other than that of the appropriate county auditor.~~

~~(6) A person may request an absentee ballot for use by the person as a registered voter and may request an absentee ballot on behalf of any member of that person's immediate family who is a registered voter for use by the family member. As a means of ensuring that a person who requests an absentee ballot is requesting the ballot for only that person or a member of the person's immediate family, the secretary of state shall adopt rules prescribing the circumstances under which an auditor: May require a person who requests an absentee ballot to identify the date of birth of the voter for whom the ballot is requested; and may deny a request which is not accompanied by this information.))~~

NEW SECTION. **Sec. 2.** A new section is added to chapter 29.36 RCW to read as follows:

REQUEST FOR SINGLE ABSENTEE BALLOT. (1) Except as otherwise provided by law, a registered voter or out-of-state voter, overseas voter, or service voter desiring to cast an absentee ballot at a single election or primary must request the absentee ballot from his or her county auditor no earlier than ninety days nor later than the day of the election or primary at which the person seeks to vote. Except as otherwise provided by law, the request may be made orally in person, by telephone, electronically, or in writing. An application or request for an absentee ballot made under the authority

of a federal statute or regulation will be considered and given the same effect as a request for an absentee ballot under this chapter.

(2) A voter requesting an absentee ballot for a primary may also request an absentee ballot for the following general election. A request by an out-of-state voter, overseas voter, or service voter for an absentee ballot for a primary election will be considered as a request for an absentee ballot for the following general election.

(3) In requesting an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an out-of-state voter, overseas voter, or service voter must include the address of the last residence in the state of Washington and either a written application or the oath on the return envelope must include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee ballot from any other voter must state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify that information from the voter registration records of the county.

(4) A request for an absentee ballot from a registered voter who is within this state must be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an out-of-state voter, overseas voter, or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor. No person, organization, or association may distribute absentee ballot applications within this state that contain a return address other than that of the appropriate county auditor.

NEW SECTION. Sec. 3. A new section is added to chapter 29.36 RCW to read as follows:
REQUESTING ABSENTEE BALLOT FOR FAMILY MEMBER. A registered voter may request an absentee ballot on behalf of and for use by a member of his or her immediate family who is also a registered voter. As a means of ensuring that a person who requests an absentee ballot is requesting the ballot for only that person or a member of the person's immediate family, the secretary of state shall adopt rules prescribing the circumstances under which an auditor may require a person who requests an absentee ballot to identify the date of birth of the voter for whom the ballot is requested and under what circumstances the auditor may deny a request that is not accompanied by this information.

Sec. 4. RCW 29.36.013 and 1999 c 298 s 12 are each amended to read as follows:

REQUEST FOR ONGOING ABSENTEE VOTER STATUS. Any registered voter may apply, in writing, for status as an ongoing absentee voter. Each qualified applicant shall automatically receive an absentee ballot for each ensuing election or primary for which ~~((he or she))~~ the voter is entitled to vote and need not submit a separate request for each election. Ballots received from ongoing absentee voters shall be validated, processed, and tabulated in the same manner as other absentee ballots.

Status as an ongoing absentee voter shall be terminated upon any of the following events:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record;
- (4) The return of an ongoing absentee ballot as undeliverable; or
- (5) Upon placing a voter on inactive status under RCW 29.10.071.

Sec. 5. RCW 29.36.170 and 1991 c 81 s 35 are each amended to read as follows:

SPECIAL ABSENTEE BALLOT. (1) As provided in this section, county auditors shall provide special absentee ballots to be used for state primary or state general elections. An auditor shall provide a special absentee ballot ~~((shall))~~ ~~((be provided))~~ to a registered voter who completes an application stating that(~~(-~~

~~(a) The voter believes that she or he will be residing or stationed or working outside the continental United States; and~~

~~(b) The voter believes that))~~ she or he will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

The application for a special absentee ballot may not be filed earlier than ninety days before the applicable state primary or general election. The special absentee ballot (~~(shall)~~ will list the offices and measures, if known, scheduled to appear on the state primary or general election ballot. The voter may use the special absentee ballot to write in the name of any eligible candidate for each office and vote on any measure.

(2) With any special absentee ballot issued under this section, the county auditor shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that primary or election and a list of any issues that have been referred to the ballot before the time of the application.

(3) Write-in votes on special absentee ballots (~~(shall)~~ must be counted in the same manner provided by law for the counting of other write-in votes. The county auditor shall process and canvass the special absentee ballots provided under this section in the same manner as other absentee ballots under chapters 29.36 and 29.62 RCW.

(4) A voter who requests a special absentee ballot under this section may also request an absentee ballot under (~~RCW 29.36.010~~) section 2(4) of this act. If the regular absentee ballot is properly voted and returned, the special absentee ballot (~~(shall be deemed)~~ is void, and the county auditor shall reject it in whole when special absentee ballots are canvassed.

Sec. 6. RCW 29.36.030 and 1991 c 81 s 31 are each amended to read as follows:

ISSUANCE OF ABSENTEE BALLOT. (1) The county auditor shall issue an absentee ballot for the primary or election for which it was requested, or for the next occurring primary or election when ongoing absentee status has been requested if the information contained in a request for an absentee ballot or ongoing absentee status received by the county auditor is complete and correct and the applicant is qualified to vote under federal or state law(, the county auditor shall issue an absentee ballot for the primary or election for which the absentee ballot was requested)). Otherwise, the county auditor shall notify the applicant of the reason or reasons why the request cannot be accepted. Whenever two or more candidates have filed for the position of precinct committee officer for the same party in the same precinct at a general election held in an even-numbered year, the contest for that position must be presented to absentee voters from that precinct by either including the contest on the regular absentee ballot or a separate absentee ballot. The ballot must provide space designated for writing in the name of additional candidates.

~~((At each general election in an even-numbered year, each absentee voter shall also be given a separate ballot containing the names of the candidates that have filed for the office of precinct committee officer unless fewer than two candidates have filed for the same political party in the absentee voter's precinct. The ballot shall provide space for writing in the name of additional candidates.~~

~~When mailing an absentee ballot to a registered voter temporarily outside the state or to an out-of-state voter, overseas voter, or service voter, the county auditor shall send a)~~ (2) The county auditor may issue replacement absentee ballots to a registered voter who both: (a) Requested an absentee ballot before election or primary day or is an ongoing absentee voter; and (b) did not receive the regular absentee ballot or whose regular absentee ballot was damaged, lost, or destroyed. A registered voter may request a replacement absentee ballot in person, by mail, by telephone, or by other electronic transmission for himself or herself and for any member of his or her immediate family. The request must be received by the county auditor before 8:00 p.m. on election or primary day. The county auditor shall maintain a record of each replacement absentee ballot issued, including the date of the request. A replacement absentee ballot may be counted in the final tabulation of ballots only if the original absentee ballot is not received by the county auditor and the replacement absentee ballot meets all requirements for tabulation necessary for the tabulation of regular absentee ballots.

(3) A copy of the state voters' and candidates' pamphlet must be sent to registered voters temporarily outside the state, out-of-state voters, overseas voters, and service voters along with the absentee ballot if such a pamphlet has been prepared for the primary or election. The county auditor shall mail all absentee ballots and related material to voters outside the territorial limits of the United States and the District of Columbia under 39 U.S.C. 3406.

Sec. 7. RCW 29.36.035 and 1984 c 27 s 2 are each amended to read as follows:

DELIVERY OF ABSENTEE BALLOT. The delivery of an absentee ballot for any primary or election shall be subject to the following qualifications:

(1) Only the registered voter ~~((, himself))~~ personally, or a member of ~~((his))~~ the registered voter's immediate family may pick up an absentee ballot for the voter at the office of the issuing officer unless the voter is ~~((hospitalized))~~ a resident of a health care facility, as defined by RCW 70.37.020(3), on election day and applies by messenger ~~((in accordance with RCW 29.36.010))~~ for an absentee ballot ~~((on the day of the primary or election))~~. In this latter case, the messenger may pick up the ~~((hospitalized))~~ voter's absentee ballot.

(2) Except as noted in subsection (1) ~~((above))~~ of this section, the issuing officer shall mail or deliver the absentee ballot directly to each applicant.

~~((3) No absentee ballot shall be issued on the day of the primary or election concerned, except as provided by RCW 29.36.010, for a voter confined to a hospital on the day of a primary or election.-))~~

Sec. 8. RCW 29.36.045 and 1987 c 346 s 12 are each amended to read as follows:

ENVELOPES AND INSTRUCTIONS. The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The larger return envelope ~~((shall))~~ must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope ~~((shall))~~ must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter ~~((shall))~~ must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope ~~((shall))~~ must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter ~~((shall))~~ must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

NEW SECTION. **Sec. 9.** A new section is added to chapter 29.36 RCW to read as follows:

RULES--OBSERVERS. (1) Ballots must be processed in the manner provided by administrative rule adopted by the secretary of state.

(2) County auditors must request that observers be appointed by the major political parties and be present during the processing of absentee ballots. The absence of the observers will not prevent the processing of absentee ballots if the county auditor has requested their presence.

Sec. 10. RCW 29.36.060 and 1991 c 81 s 32 are each amended to read as follows:

PROCESSING ABSENTEE BALLOTS. (1) The opening and subsequent processing of return envelopes for any primary or election may begin on or after the tenth day ~~((prior to such))~~ before the primary or election. The opening of the security envelopes and tabulation of absentee ballots ~~((shall))~~ must not commence until after 8:00 ~~((o'clock))~~ p.m. on the day of the primary or election.

(2) After opening the return envelopes, the county canvassing board shall place all of the ballot envelopes in containers that can be secured with numbered seals. These sealed containers ~~((shall))~~

must be stored in a secure location until after 8:00 ((o'clock)) p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation before sealing the containers.

(3) Before opening a return envelope that contains the security envelope and absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature ((on each return envelope containing the security envelope and absentee ballot)). They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files ((for that voter)) of the county. For ((absentee)) registered voters ((other than out-of-state voters, overseas voters, and service voters, if the postmark is illegible)) casting absentee ballots, the date on the return envelope to which the voter ((attests shall)) has attested determines the validity, as to the time of voting((,-of)) for that absentee ballot ((under this chapter)) if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. For any absentee ((voter)) ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

Sec. 11. RCW 29.36.070 and 1990 c 262 s 2 are each amended to read as follows:

COUNTING ABSENTEE BALLOTS. The absentee ballots ((shall be grouped and counted by)) must be reported at a minimum on a congressional and legislative district ((without regard to)) basis. Absentee ballots may be counted by congressional or legislative basis or by individual precinct, except as required under RCW 29.62.090(2).

These returns ((shall)) must be added to the total of the votes cast at the polling places.

Sec. 12. RCW 29.36.075 and 1988 c 181 s 3 are each amended to read as follows:

CREDIT FOR VOTING. ((In counties that do not tabulate absentee ballots on electronic vote tallying systems, canvassing boards may not tabulate or record votes cast by absentee ballots on any uncontested office except write-in votes for candidates for the office of precinct committee person who have filed valid declarations of candidacy under RCW 29.04.180. "Uncontested office" means an office where only one candidate has filed a valid declaration of candidacy either during the regular filing period or as a write-in candidate under RCW 29.04.180.))

Each registered voter casting an absentee ballot ((shall)) will be credited with voting on his or her voter registration record. Absentee ballots ((shall)) must be retained for the same length of time and in the same manner as ballots cast at the precinct polling places.

Sec. 13. RCW 29.36.097 and 1991 c 81 s 33 are each amended to read as follows:

ABSENTEE BALLOT RECORDS. Each county auditor shall maintain in his or her office, open for public inspection and copying, a record of the requests he or she has received for absentee ballots ((under this chapter)) and a listing of all ongoing absentee voters.

The information from the requests ((shall)) must be recorded and lists of this information ((shall)) must be available no later than ((twenty-four hours)) the next business day after their receipt. Lists of ongoing absentee voters must be available at all times.

This information about absentee voters ((shall)) requesting ballots will be available according to the date of the requests and by legislative district. It ((shall)) must include the name of each applicant, the address and precinct in which the voter maintains a voting residence, the date on which an absentee ballot was issued to this voter, if applicable, the type of absentee ballot, and the address to which the ballot was or is to be mailed, if applicable.

The auditor shall make copies of these records available to the public in either paper or electronic format for the actual cost of production or copying.

Sec. 14. RCW 29.36.100 and 1987 c 346 s 18 are each amended to read as follows:

CHALLENGED ABSENTEE BALLOTS. The qualifications of any absentee voter may be challenged at the time the signature on the return envelope is verified and the ballot is processed by the canvassing board. The board has the authority to determine the legality of any absentee ballot challenged under this section. Challenged ballots must be handled in accordance with chapter 29.10 RCW.

Sec. 15. RCW 29.36.150 and 1993 c 417 s 7 are each amended to read as follows:

OVERSEAS AND SERVICE VOTERS. ~~((The secretary of state shall adopt rules to:~~

~~(1) Establish standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;~~

~~(2) Establish standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;~~

~~(3) Provide uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections; and~~

~~(4) Facilitate the operation of the provisions of this chapter regarding out-of-state voters, overseas voters, and service voters.))~~

The secretary of state shall produce and furnish envelopes and instructions for out-of-state voters, overseas voters, and service voters to the county auditors.

Sec. 16. RCW 29.36.160 and 1994 c 269 s 2 are each amended to read as follows:

PENALTY. A person who willfully violates any provision of this chapter regarding the assertion or declaration of qualifications to receive or cast an absentee ballot~~((; or willfully violates any provision regarding the conduct of mail ballot primaries or elections under RCW 29.36.120 through 29.36.139))~~ or unlawfully casts a vote by absentee ballot~~((; or willfully violates any provision regarding the conduct of mail ballot primaries or elections under RCW 29.36.120 through 29.36.139))~~ is guilty of a class C felony punishable under RCW 9A.20.021. Except as provided in chapter 29.85 RCW a person who willfully violates any other provision of this chapter is guilty of a misdemeanor.

PART II MAIL BALLOTS

Sec. 17. RCW 29.36.120 and 1994 c 269 s 1 and 1994 c 57 s 48 are each reenacted and amended to read as follows:

MAIL BALLOT PRECINCTS. ~~((~~(1) At any primary or election, general or special,~~))~~ The county auditor may~~((; in))~~ designate any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in RCW 29.07.160~~((; conduct the voting in that precinct by))~~ as a mail ballot precinct. ~~((For any precinct having fewer than two hundred active registered voters where voting at a primary or a general election is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of that primary or general election, mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in that precinct will be by mail ballot, an application form for a mail ballot, and a postage prepaid envelope, preaddressed to the issuing officer. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of that primary or general election. For all subsequent mail ballot elections in that precinct the application is valid so long as the voter remains active and qualified to vote.))~~ The county auditor shall notify each registered voter by mail that for all future primaries and elections the voting in his or her precinct will be by mail ballot only. In determining the number of registered voters in a precinct for the purposes of this section, persons who are ongoing absentee voters under RCW 29.36.013 (as recodified by this act) shall not be counted. Nothing in this section may be construed as altering the vote tallying requirements of RCW 29.62.090. ~~((At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.~~

~~In no instance shall any special election be conducted by mail ballot in any precinct with two hundred or more active registered voters if candidates for partisan office are to be voted upon.~~

~~For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of such election, mail or deliver to each active registered voter a mail ballot and an envelope, preaddressed to the issuing officer.))~~ As soon as ballots are available, the county auditor shall mail or deliver a ballot and an envelope, preaddressed to the issuing officer, to each active registered voter. The auditor shall send each inactive voter either a ballot or an application to receive a ballot. The auditor shall determine which of the two is to be sent. If the inactive voter returns a voted ballot, the ballot shall be counted and the voter's status restored to active. If the inactive voter completes and returns an application, a ballot shall be sent and the voter's status restored to active.

~~((2) For a two-year period beginning on June 9, 1994, and ending two years after June 9, 1994, the county auditor may conduct the voting in any precinct by mail for any primary or election, partisan or nonpartisan, using the procedures set forth in RCW 29.36.120 through 29.36.139.))~~

If the precinct exceeds two hundred registered voters, or the auditor determines to return to a polling place election environment, the auditor shall notify each registered voter, by mail, of this and shall provide the address of the polling place to be used.

Sec. 18. RCW 29.36.121 and 1994 c 57 s 49 are each amended to read as follows:

MAIL BALLOT SPECIAL ELECTIONS. ~~((1))~~ At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the special election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

~~((2) In an odd-numbered year, the county auditor may conduct by mail ballot a primary or a special election concurrently with the primary:~~

~~(a) For any office or ballot measure of a special purpose district which is entirely within the county;~~

~~(b) For any office or ballot measure of a special purpose district which lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and~~

~~(c) For any ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.~~

~~A primary in an odd-numbered year may not be conducted by mail ballot in any precinct with two hundred or more active registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.~~

~~((3))~~ For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days before the date of such election, mail or deliver to each registered voter a mail ballot ~~((and an envelope, preaddressed to the issuing officer. The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot))~~. The auditor shall handle inactive voters in the same manner as inactive voters in mail ballot precincts.

~~((4) To the extent they are not inconsistent with subsections (1) through (3) of this section, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.))~~

NEW SECTION. Sec. 19. ODD-YEAR PRIMARIES BY MAIL. In an odd-numbered year, the county auditor may conduct a primary or a special election by mail ballot concurrently with the primary:

(1) For an office or ballot measure of a special purpose district that is entirely within the county;

(2) For an office or ballot measure of a special purpose district that lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and

(3) For a ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.

The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot.

A primary in an odd-numbered year may not be conducted by mail ballot in a precinct with two hundred or more active registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.

To the extent they are not inconsistent with other provisions of law, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.

Sec. 20. RCW 29.36.124 and 1983 1st ex.s. c 71 s 3 are each amended to read as follows:

DEPOSITING BALLOTS FOR MAIL BALLOT ELECTIONS. (1) If a county auditor conducts an election or primary by mail, the county auditor shall designate ~~((the county auditor's office or a central location in the district in which the election is conducted as the single place to obtain a replacement ballot. The county auditor also shall designate))~~ one or more places for the deposit of ballots not returned by mail. The places designated under this section shall be open on the date of the election or primary for a period of thirteen hours, beginning at 7:00 a.m. and ending at 8:00 p.m.

(2) A registered voter may obtain a replacement mail ballot ~~((as provided in this subsection))~~ if the mail ballot is destroyed, ~~((spoiled))~~ damaged, lost, or not received by the voter. ~~((A registered voter seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled, lost, or not received and shall present the statement to the county auditor no later than the day of the election. Each spoiled ballot must be returned to the county auditor before a new one is issued. The county auditor shall keep a record of each replacement ballot provided under this subsection))~~ A replacement mail ballot must be handled and counted in the same manner as a replacement absentee ballot.

Sec. 21. RCW 29.36.126 and 1993 c 417 s 4 are each amended to read as follows:

RETURN OF VOTED BALLOT BY VOTER. ~~((Upon receipt of the mail ballot, the voter shall mark it, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the county auditor. The ballot must be returned))~~ A mail ballot must be returned by mail in the same manner as an absentee ballot or placed in the return identification envelope~~((If mailed, a ballot must be postmarked not later than the date of the election. Otherwise, the ballot must be))~~ and deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the primary or election.

Sec. 22. RCW 29.36.130 and 1993 c 417 s 5 are each amended to read as follows:

BALLOT CONTENTS--COUNTING. All mail ballots authorized by RCW 29.36.120 or 29.36.121 ~~((shall))~~ (as recodified by this act) or section 19 of this act must contain the same offices, names of nominees or candidates, and propositions to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided ~~((in this chapter))~~ by law, mail ballots ~~((shall))~~ must be ~~((issued and canvassed))~~ treated in the same manner as absentee ballots issued ~~((pursuant to))~~ at the request of the voter. ~~((The county canvassing board, at the request of the county auditor, may direct that mail ballots be counted on the day of the election. If such count is made, it must be done in secrecy in the presence of the canvassing board or their authorized representatives and the results not revealed to any unauthorized person until 8:00 p.m. or later if the auditor so directs.))~~ If electronic vote tallying devices are used, political party observers ~~((shall be afforded))~~ must be given the opportunity to be present, and a test of the equipment must be performed as required by RCW 29.33.350 ~~((prior to the count of))~~ before tabulating ballots. Political party observers may select at random ballots to be counted manually as provided by RCW 29.54.025.

Any violation of the secrecy of ~~((such))~~ the count ~~((shall be))~~ is subject to the same penalties as provided for in RCW 29.85.225.

NEW SECTION. **Sec. 23.** PENALTY. A person who willfully violates any provision of this chapter regarding the conduct of mail ballot primaries or elections is guilty of a class C felony punishable under RCW 9A.20.021.

PART III MISCELLANEOUS

Sec. 24. RCW 29.04.055 and 1986 c 167 s 3 are each amended to read as follows:

COMBINING OR DIVIDING PRECINCTS, ELECTION BOARDS. At any ~~((election, general or))~~ special election~~((or))~~ or ~~((at any))~~ primary, the county auditor may combine, unite, or divide precincts and may combine or unite election boards for the purpose of holding such election. At any general election, the county auditor may combine or unite election boards for the purpose of holding such election, but shall report all election returns by individual precinct.

Sec. 25. RCW 29.62.090 and 1999 c 298 s 21 are each amended to read as follows:

ABSTRACT BY ELECTION OFFICER--TRANSMITTAL TO SECRETARY OF STATE.

(1) Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such state primary or general election for and against each state measure~~((s))~~ and for each candidate or nominee for federal, state, and legislative office ~~((or))~~, and for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and transmitted to the secretary of state no later than the next business day following the certification by the county canvassing board.

~~((After each general election, the county auditor or other election officer shall provide to the secretary of state a report of the number of absentee ballots cast in each precinct for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The report may be included in the abstract required by this section or may be transmitted to the secretary of state separately, but in no event later than March 31 of the year following the election.))~~ Absentee ballot results may be incorporated into votes cast at the polls for each precinct or may be reported separately on a precinct-by-precinct basis.

~~((3))~~ If absentee ballot results are not incorporated into votes cast at the polls, the county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's absentee ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which absentee results are aggregated shall be contiguous.

PART IV TECHNICAL

NEW SECTION. **Sec. 26.** The following acts or parts of acts are each repealed:

(1) RCW 29.36.122 (Special election by mail--Sending ballots to voters) and 1994 c 57 s 50, 1993 c 417 s 3, & 1983 1st ex.s. c 71 s 2; and

(2) RCW 29.36.139 (Mail ballots--Counting requirements--Challenge) and 1993 c 417 s 6 & 1983 1st ex.s. c 71 s 6.

NEW SECTION. **Sec. 27.** (1) RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, and 29.36.160 are each recodified within chapter 29.36 RCW, in the order shown in this act, along with sections 2, 3, and 9 of this act.

(2) RCW 29.36.120, 29.36.121, 29.36.124, 29.36.126, and 29.36.130 are each recodified, and, along with sections 19 and 23 of this act, constitute a new chapter in Title 29 RCW.

(3) RCW 29.36.050 is recodified as a new section in chapter 29.51 RCW.

NEW SECTION. **Sec. 28.** Section captions and part headings used in this act are not part of the law."

Correct the title.

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representative Campbell, Republican Vice Chair.

Voting yea: Representatives McMorris, Romero, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Voting nay: Representative Campbell.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 6366 Prime Sponsor, Senator Brown: Prohibiting false advertising through electronic communication. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Mielke; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.

Passed to Rules Committee for Second Reading.

February 22, 2000

2SSB 6369 Prime Sponsor, Committee on Senate Ways & Means: Ordering a study of law enforcement issues in counties with over 150,000 population. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 25, 2000

SSB 6375 Prime Sponsor, Committee on Senate Human Services & Corrections: Clarifying timelines, information sharing, and evidentiary standards in mental health competency procedures. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 7, beginning on line 2, after "commence" strike all material through "period" on line 4, and insert "immediately on the day the order is entered"

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

MINORITY recommendation: Without recommendation. Signed by Representative Lambert, Republican Vice Chair.

Voting yea: Representatives Carrell, Constantine, Hurst, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald, and Schindler.

Voting nay: Representative Lambert.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 6378 Prime Sponsor, Senator Fraser: Extending the tenure of the enhanced 911 advisory committee. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Mielke; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6382 Prime Sponsor, Committee on Senate Health & Long-Term Care: Protecting dependent persons. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 25, 2000

ESSB 6389 Prime Sponsor, Committee on Senate Human Services & Corrections: Extending juvenile court jurisdiction over permanency planning matters in dependency proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 23, 2000

E2SSB 6400 Prime Sponsor, Committee on Senate Ways & Means: Changing provisions relating to domestic violence. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 3.62 RCW to read as follows:

(1) When any person is found guilty, in any court organized under Title 3 or 35 RCW, of a domestic violence offense as defined in RCW 10.99.020, or of a violation of a similar municipal ordinance, the court shall impose upon the person a penalty assessment in addition to any other penalty or fine imposed or authorized by law. The amount of the penalty assessment shall be five hundred dollars for each case or cause of action that includes one or more convictions of a gross misdemeanor, and two hundred fifty dollars for each case or cause of action that includes one or more convictions of only one or more misdemeanors. The court may not suspend or waive the penalty assessment. The assessment by this subsection shall not be subject to the public safety and education assessment imposed by RCW 3.62.090.

(2) The court shall remit the assessments imposed and collected under this section to the city treasurer, in the case of a municipal court, or the county treasurer, in the case of a district court. The city or county treasurer shall monthly remit fifty percent of the funds received under this section to the state treasurer for deposit in the public safety and education account. The remaining fifty percent of the funds received under this section shall be retained by the city or county for the purposes of reimbursing the city or county for the costs incurred in implementing chapter ..., Laws of 2000 (this act). Moneys retained by the city or county under this subsection shall constitute reimbursement for the costs of any increased levels of service for the purposes of RCW 43.135.060.

NEW SECTION. Sec. 2. A new section is added to chapter 26.50 RCW to read as follows:

The department of social and health services, in its discretion, may seek the relief provided in this chapter on behalf of and with the consent of any vulnerable adult as those persons are defined in RCW 74.34.020. Neither the department nor the state of Washington shall be liable for failure to seek relief on behalf of any persons under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 74.34 RCW to read as follows:

(1) An order for protection of a vulnerable adult issued under this chapter which restrains the respondent or another person from committing acts of abuse, prohibits contact with the petitioner, excludes the person from any specified location, or prohibits the person from coming within a specified distance from a location, shall prominently bear on the front page of the order the legend:
VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(2) Whenever an order for protection of a vulnerable adult is issued under this chapter, and the respondent or person to be restrained knows of the order, a violation of a provision restraining the person from committing acts of abuse, prohibiting contact with the petitioner, excluding the person from any specified location, or prohibiting the person from coming within a specified distance of a location, shall be punishable under RCW 26.50.110, regardless of whether the person is a family or household member as defined in RCW 26.50.010.

Sec. 4. RCW 9.94A.220 and 1994 c 271 s 901 are each amended to read as follows:

(1) When an offender has completed the requirements of the sentence, the secretary of the department or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge.

(2) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(3) Except as provided in subsection (4) of this section, the discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(4) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(5) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 5. RCW 10.31.100 and 1999 c 184 s 14 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW ((~~10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040, 26.10.115,~~) 26.44.063, or chapter 10.99, 26.09, 26.10, 26.26 ((~~RCW, or chapter~~)), 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a

location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or ~~((of a provision))~~ excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW ~~((88.12.025))~~ 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 6. RCW 10.99.020 and 1997 c 338 s 53 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Drive-by shooting (RCW 9A.36.045);
- (f) Reckless endangerment (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);
- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);
- (n) Malicious mischief in the third degree (RCW 9A.48.090);
- (o) Kidnapping in the first degree (RCW 9A.40.020);
- (p) Kidnapping in the second degree (RCW 9A.40.030);
- (q) Unlawful imprisonment (RCW 9A.40.040);

(r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, ((or)) 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or section 3 of this act);

(s) (~~Violation of the provisions of a protection order or no-contact order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care~~ (RCW ~~26.50.060, 26.50.070, 26.50.130, 10.99.040, or 10.99.050~~);

- ~~(t))~~ Rape in the first degree (RCW 9A.44.040);
- ~~((t))~~ ~~(t)~~ Rape in the second degree (RCW 9A.44.050);
- ~~((v))~~ ~~(u)~~ Residential burglary (RCW 9A.52.025);
- ~~((w))~~ ~~(v)~~ Stalking (RCW 9A.46.110); and
- ~~((x))~~ ~~(w)~~ Interference with the reporting of domestic violence (RCW 9A.36.150).

(4) "Victim" means a family or household member who has been subjected to domestic violence.

Sec. 7. RCW 26.09.050 and 1995 c 93 s 2 are each amended to read as follows:

(1) In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall determine the marital status of the parties, make provision for a parenting plan for any minor child of the marriage, make provision for the support of any child of the marriage entitled to support, consider or approve provision for the maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders including the provisions contained in RCW 9.41.800, make provision for the issuance within this action of the restraint provisions of a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW, and make provision for the change of name of any party.

(2) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((26.09)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(3) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ~~((forthwith))~~ enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(4) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 8. RCW 26.09.060 and 1995 c 246 s 26 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child upon a showing of the necessity therefor;

(d) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(e) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances. The court may in its discretion waive the filing of the bond or the posting of security.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ~~((26.09))~~ 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ~~((forthwith))~~ enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ~~((law enforcement))~~ computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection ~~((40))~~ (11) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

~~((40))~~ (11) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

(a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or

(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

Sec. 9. RCW 26.10.040 and 1995 c 93 s 3 are each amended to read as follows:

(1) In entering an order under this chapter, the court shall consider, approve, or make provision for:

~~((1))~~ (a) Child custody, visitation, and the support of any child entitled to support;
~~((2))~~ (b) The allocation of the children as a federal tax exemption;
~~((3))~~ (c) Any necessary continuing restraining orders, including the provisions contained in RCW 9.41.800;

~~((4))~~ (d) A domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080;

~~((5))~~ (e) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ~~((26.10))~~ 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST~~((;))~~.

~~((6))~~ (2) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ~~((forthwith))~~ enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(3) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 10. RCW 26.10.115 and 1995 c 246 s 29 are each amended to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Molesting or disturbing the peace of the other party or of any child;

(b) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(7) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ~~((26.10))~~ 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ~~((forthwith))~~ enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ~~((law enforcement))~~ computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

~~((10))~~ (11) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 11. RCW 26.26.130 and 1997 c 58 s 947 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(4) The judgment and order shall contain the social security numbers of all parties to the order.

(5) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the

right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(6) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards contained in chapter 26.19 RCW.

(7) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party.

(8) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

(9) In entering an order under this chapter, the court may issue any necessary continuing restraining orders, including the restraint provisions of domestic violence protection orders under chapter 26.50 RCW or antiharassment protection orders under chapter 10.14 RCW.

(10) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party ~~((or))~~, from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ~~((26.26))~~ 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(11) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(12) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 12. RCW 26.26.137 and 1995 c 246 s 32 are each amended to read as follows:

(1) If the court has made a finding as to the paternity of a child, or if a party's acknowledgment of paternity has been filed with the court, or a party alleges he is the father of the child, any party may move for temporary support for the child prior to the date of entry of the final order. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

(a) Molesting or disturbing the peace of another party;

(b) Going onto the grounds of or entering the home, workplace, or school of another party or the day care or school of any child; ~~((or))~~

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not

to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ~~((26.26))~~ 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(5) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ~~((forthwith))~~ enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(6) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(7) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

~~((7))~~ (8) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

~~((8))~~ (9) A temporary order, temporary restraining order, or preliminary injunction:

- (a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;
- (b) May be revoked or modified;
- (c) Terminates when the final order is entered or when the petition is dismissed; and
- (d) May be entered in a proceeding for the modification of an existing order.

~~((9))~~ (10) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 13. RCW 26.44.063 and 1993 c 412 s 15 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged offender, rather than the child, shall be removed from the home and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, 13.34.130, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other

parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

- (a) Molesting or disturbing the peace of the alleged victim;
- (b) Entering the family home of the alleged victim except as specifically authorized by the court; ~~((or))~~
- (c) Having any contact with the alleged victim, except as specifically authorized by the court;
- (d) Knowingly coming within, or knowingly remaining within, a specified distance of a specified location.

(3) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

(4) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

(5) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) A temporary restraining order or preliminary injunction:

- (a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and
- (b) May be revoked or modified.

(7) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(8) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

(9) If a restraining order issued under this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 14. RCW 26.44.067 and 1993 c 412 s 16 are each amended to read as follows:

(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction pursuant to RCW 26.44.063 who refuses to comply with the provisions of such order shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) of this section may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

(3) The remedies provided in this section shall not apply unless restraining orders subject to this section ~~((shall))~~ bear this legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.44 RCW AND IS ALSO SUBJECT TO CONTEMPT PROCEEDINGS.

(4) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule. No right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest.

Sec. 15. RCW 26.50.035 and 1995 c 246 s 4 are each amended to read as follows:

(1) ~~((By July 1, 1994,))~~ The administrator for the courts shall develop and prepare instructions and informational brochures required under RCW 26.50.030(4), standard petition and order for protection forms, and a court staff handbook on domestic violence and the protection order process. The standard petition and order for protection forms must be used after September 1, 1994, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including a representative of the state domestic violence coalition, judges, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining ~~((a)),~~ modifying, and terminating a domestic violence protection order as provided under this chapter, ((a)) an anti-harassment no-contact order as provided ((by RCW 10.99.040)) under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided ((by RCW 26.09.060)) under chapter 26.09, 26.10, 26.26, and 26.44 RCW, ((and)) an antiharassment protection order as provided by chapter 10.14 RCW, and a foreign protection order as defined in chapter 26.52 RCW.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a domestic violence program, defined in RCW 70.123.020, serving the county in which the court is located. The community resource list shall include the names and telephone numbers of domestic violence programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrator for the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrator for the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by January 1, 1997.

(6) The administrator for the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

Sec. 16. RCW 26.50.060 and 1999 c 147 s 2 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling ~~((which))~~ that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

~~((d))~~ (e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

~~((e))~~ (f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

~~((f))~~ (g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including ~~((a))~~ reasonable ~~((attorney's fee))~~ attorneys' fees;

~~((g))~~ (h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

~~((h))~~ (i) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

~~((i))~~ (j) Consider the provisions of RCW 9.41.800;

~~((j))~~ (k) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included; and

~~((k))~~ (l) Order use of a vehicle.

(2) If a ~~((restraining))~~ protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(f) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for

protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 17. RCW 26.50.070 and 1996 c 248 s 14 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

~~((d))~~ (e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

~~((e))~~ (f) Considering the provisions of RCW 9.41.800.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a state-wide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

Sec. 18. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))
 - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ~~((88.12.029))~~ 79A.60.050)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Malicious placement of an explosive 2 (RCW 70.74.270(2))
 - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Robbery 1 (RCW 9A.56.200)
 - Sexual Exploitation (RCW 9.68A.040)
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
 - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ~~((88.12.029))~~ 79A.60.050)
Manslaughter 2 (RCW 9A.32.070)
Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)
Promoting Prostitution 1 (RCW 9A.88.070)
Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)
Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety of others (RCW ~~((88.12.029))~~ 79A.60.050)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Introducing Contraband 1 (RCW 9A.76.140)
Involving a minor in drug dealing (RCW 69.50.401(f))
Malicious placement of an explosive 3 (RCW 70.74.270(3))
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))

Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person
eighteen or over to person under eighteen (RCW
69.52.030(2))
Domestic Violence Court Order Violation (RCW 10.99.040,
10.99.050, 26.09.300, 26.10.220, 26.26.138,
26.50.110, 26.52.070, or section 3 of this act)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW
9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
~~((On and after July 1, 2000: No Contact Order Violation:
Domestic Violence Pretrial Condition (RCW
10.99.040(4) (b) and (c))
On and after July 1, 2000: No Contact Order Violation:
Domestic Violence Sentence Condition (RCW
10.99.050(2))
On and after July 1, 2000: Protection Order Violation:
Domestic Violence Civil Action (RCW 26.50.110
(4) and (5))
On and after July 1, 2000: Stalking (RCW 9A.46.110)))~~
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)
Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW ~~((88.12.032))~~ 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW
9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury Accident (RCW 46.52.020(4))
Hit and Run with Vessel--Injury Accident (RCW
~~((88.12.155(3)))~~ 79A.60.200(3))
Indecent Exposure to Person Under Age Fourteen
(subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW
9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver
narcotics from Schedule III, IV, or V or
nonnarcotics from Schedule I-V (except marijuana,

amphetamine, methamphetamines, or flunitrazepam)
(RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080
(1) and (2))
Vehicular Assault (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW
9A.76.170(2)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW
9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance
(RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances
(RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver
marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute
an imitation controlled substance (RCW
69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or
Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of
death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW
9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW
69.53.010)

Willful Failure to Return from Work Release (RCW
72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance
(RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or
narcotics from Schedule I or II or flunitrazepam
from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property
(valued at one thousand five hundred dollars or
more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW
18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW
69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from
Schedule III, IV, or V or Non-narcotic from
Schedule I-V (except phencyclidine or
flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW
9A.56.070)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property
(valued at two hundred fifty dollars or more but less
than one thousand five hundred dollars) (RCW
9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 19. RCW 10.99.040 and 1997 c 338 s 54 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9A.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

~~(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is ((a gross misdemeanor except as provided in (b) and (c) of this subsection (4). Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.~~

~~(b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.~~

~~(c) A willful violation of a court order issued under this section is a class C felony if the offender has at least two previous convictions for violating the provisions of a no contact order issued under this chapter, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no contact order or protection order issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no contact orders or protection orders the offender violated)) punishable under RCW 26.50.110.~~

~~((d))~~ (b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter ~~((10.99))~~ 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into

the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

~~((5))~~ (6) Whenever ~~((an))~~ a no-contact order ~~((prohibiting contact))~~ is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall ~~((forthwith))~~ enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ~~((law enforcement))~~ computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

Sec. 20. RCW 10.99.045 and 1998 c 55 s 2 are each amended to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020 shall be required to appear in person before a magistrate within one judicial day after the arrest.

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020 and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3) At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. The court may include in the order any conditions authorized under RCW 9.41.800 and 10.99.040.

(4) Appearances required pursuant to this section are mandatory and cannot be waived.

(5) The no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in RCW 10.99.040 (2) and (4).

Sec. 21. RCW 10.99.050 and 1997 c 338 s 55 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

~~(2)(a) Willful violation of a court order issued under this section is ~~((a gross misdemeanor-- Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. A willful violation of a court order issued under this section is also a class C felony if the offender has at least two previous convictions for violating the provisions of a no-contact order issued under this chapter, or a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out-of-state order that is comparable to a no-contact order or protection order that is issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no-contact orders or protection orders the offender violated))~~ punishable under RCW 26.50.110.~~

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ~~((10.99))~~ 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall ~~((forthwith))~~ enter the order for one year or until the expiration date specified on the order

into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ~~((law enforcement))~~ computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(4) If an order prohibiting contact issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 22. RCW 26.09.300 and 1996 c 248 s 9 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, is ~~((a misdemeanor))~~ punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 23. RCW 26.10.220 and 1999 c 184 s 11 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, is ~~((a gross misdemeanor))~~ punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

- (c) The order was served upon the person to be restrained; or
- (d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.
- (3) A peace officer shall verify the existence of a restraining order by:
 - (a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or
 - (b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.
- (4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:
 - (a) A restraining order has been issued under this chapter;
 - (b) The respondent or person to be restrained knows of the order; and
 - (c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location.
- (5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.
- (6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 24. RCW 26.26.138 and 1999 c 184 s 12 are each amended to read as follows:

- (1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, is ~~((a gross misdemeanor))~~ punishable under RCW 26.50.110.
- (2) A person is deemed to have notice of a restraining order if:
 - (a) The person to be restrained or the person's attorney signed the order;
 - (b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;
 - (c) The order was served upon the person to be restrained; or
 - (d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.
- (3) A peace officer shall verify the existence of a restraining order by:
 - (a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or
 - (b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.
- (4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:
 - (a) A restraining order has been issued under this chapter;
 - (b) The respondent or person to be restrained knows of the order; and
 - (c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location.
- (5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 25. RCW 26.50.110 and 1996 c 248 s 16 are each amended to read as follows:

(1) Whenever an order (~~(for protection)~~) is granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime, for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order (~~(for protection)~~) issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of (~~(a protective)~~) such an order (~~(issued under this chapter)~~) that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of (~~(a no contact)~~) an order issued under chapter 10.99 (~~RCW, a domestic violence protection order issued under chapter 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out-of-state order that is comparable to a no contact or protection order issued under Washington law~~), 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the (~~(no contact orders or protection)~~) orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order (~~(for protection)~~) granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 26. RCW 26.50.150 and 1999 c 147 s 1 are each amended to read as follows:

(1) The department of social and health services shall adopt rules for standards of approval of domestic violence perpetrator programs that accept perpetrators of domestic violence into treatment to

satisfy court orders or that represent the programs as ones that treat domestic violence perpetrators. The treatment must meet the following minimum qualifications:

~~((1))~~ (a) All treatment must be based upon a full, complete clinical intake including: Current and past violence history; a lethality risk assessment; a complete diagnostic evaluation; a substance abuse assessment; criminal history; assessment of cultural issues, learning disabilities, literacy, and special language needs; and a treatment plan that adequately and appropriately addresses the treatment needs of the individual.

~~((2))~~ (b) To facilitate communication necessary for periodic safety checks and case monitoring, the program must require the perpetrator to sign the following releases:

~~((a))~~ (i) A release for the program to inform the victim and victim's community and legal advocates that the perpetrator is in treatment with the program, and to provide information, for safety purposes, to the victim and victim's community and legal advocates;

~~((b))~~ (ii) A release to prior and current treatment agencies to provide information on the perpetrator to the program; and

~~((c))~~ (iii) A release for the program to provide information on the perpetrator to relevant legal entities including: Lawyers, courts, parole, probation, child protective services, and child welfare services.

~~((3))~~ (c) Treatment must be for a minimum treatment period defined by the secretary of the department by rule. The weekly treatment sessions must be in a group unless there is a documented, clinical reason for another modality. Any other therapies, such as individual, marital, or family therapy, substance abuse evaluations or therapy, medication reviews, or psychiatric interviews, may be concomitant with the weekly group treatment sessions described in this section but not a substitute for it.

~~((4))~~ (d) The treatment must focus primarily on ending the violence, holding the perpetrator accountable for his or her violence, and changing his or her behavior. The treatment must be based on nonvictim-blaming strategies and philosophies and shall include education about the individual, family, and cultural dynamics of domestic violence. If the perpetrator or the victim has a minor child, treatment must specifically include education regarding the effects of domestic violence on children, such as the emotional impacts of domestic violence on children and the long-term consequences that exposure to incidents of domestic violence may have on children.

~~((5))~~ (e) Satisfactory completion of treatment must be contingent upon the perpetrator meeting specific criteria, defined by rule by the secretary of the department, and not just upon the end of a certain period of time or a certain number of sessions.

~~((6))~~ (f) The program must have policies and procedures for dealing with reoffenses and noncompliance.

~~((7))~~ (g) All evaluation and treatment services must be provided by, or under the supervision of, qualified personnel.

(2) The department shall conduct periodic evaluations of programs that have been approved under this section, to determine whether they are in compliance with the standards adopted under this section.

~~((8))~~ (3) The secretary of the department may adopt rules and establish fees as necessary to implement this section.

Sec. 27. RCW 26.50.160 and 1995 c 246 s 18 are each amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, ~~((and))~~ every parentage action under chapter ~~((26.10))~~ 26.26 RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter

26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the data base as a party rather than the guardian or department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Sec. 28. RCW 26.52.070 and 1999 c 184 s 9 are each amended to read as follows:

(1) Whenever a foreign protection order is granted to a person entitled to protection and the person under restraint knows of the foreign protection order, a violation of a provision prohibiting the person under restraint from contacting or communicating with another person, or of a provision excluding the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime, is ~~((a gross misdemeanor except as provided in subsections (3) and (4) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require the person under restraint to submit to electronic monitoring. The court shall specify who will provide the electronic monitoring services, and the terms under which the monitoring will be performed. The order also may include a requirement that the person under restraint pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring))~~ punishable under RCW 26.50.110.

(2) A peace officer shall arrest without a warrant and take into custody a person when the peace officer has probable cause to believe that a foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order that prohibits the person under restraint from contacting or communicating with another person, or a provision that excludes the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

~~((3) An assault that is a violation of a valid foreign protection order that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and conduct in violation of a valid foreign protection order issued under this chapter that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.~~

~~(4) A violation of a valid foreign protection order is a class C felony if the offender has at least two previous convictions for violating the provisions of a no contact order issued under chapter 10.99 RCW, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or a federal or out-of-state order that is comparable to a no contact or protection order issued under Washington law. The previous convictions may involve the same person entitled to protection or other person entitled to protection specifically protected by the no contact orders or protection orders the offender violated.-))~~

Sec. 29. RCW 70.123.050 and 1979 ex.s. c 245 s 5 are each amended to read as follows:

The department shall contract, where appropriate, with public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence to:

(1) Develop and implement an educational program designed to promote public and professional awareness of the problems of domestic violence and of the availability of services for victims of domestic violence. Particular emphasis should be given to the education needs of law enforcement agencies, the legal system, the medical profession, and other relevant professions that are engaged in the prevention, identification, and treatment of domestic violence;

(2) Maintain a directory of temporary shelters and other direct service facilities for the victims of domestic violence which is current, complete, detailed, and available, as necessary, to provide useful referral services to persons seeking help on an emergency basis;

(3) Create a state-wide toll-free telephone number that would provide information and referral to victims of domestic violence;

(4) Provide opportunities to persons working in the area of domestic violence to exchange information; ~~((and))~~

(5) Provide training opportunities for both volunteer workers and staff personnel; and

(6) Develop and provide advocacy, community education, and specialized services to underserved victims of domestic violence.

Sec. 30. RCW 74.34.130 and 1999 c 176 s 13 are each amended to read as follows:

The court may order relief as it deems necessary for the protection of the petitioner, including, but not limited to the following:

(1) Restraining respondent from committing acts of abandonment, abuse, neglect, or financial exploitation;

(2) Excluding the respondent from petitioner's residence for a specified period or until further order of the court;

(3) Prohibiting contact by respondent for a specified period or until further order of the court;

(4) Prohibiting the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(5) Requiring an accounting by respondent of the disposition of petitioner's income or other resources;

~~((5))~~ (6) Restraining the transfer of property for a specified period not exceeding ninety days; and

~~((6))~~ (7) Requiring the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year.

Sec. 31. RCW 9.94A.440 and 1999 c 322 s 6 and 1999 c 196 s 11 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder
1st Degree Murder
2nd Degree Murder
1st Degree Kidnaping
1st Degree Assault
1st Degree Assault of a Child
1st Degree Rape
1st Degree Robbery
1st Degree Rape of a Child
1st Degree Arson
2nd Degree Kidnaping
2nd Degree Assault
2nd Degree Assault of a Child
2nd Degree Rape
2nd Degree Robbery
1st Degree Burglary
1st Degree Manslaughter
2nd Degree Manslaughter
1st Degree Extortion
Indecent Liberties
Incest
2nd Degree Rape of a Child
Vehicular Homicide
Vehicular Assault
3rd Degree Rape
3rd Degree Rape of a Child
1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion
1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
3rd Degree Assault of a Child
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)
Stalking
Custodial Assault
~~((No Contact Order Domestic Violence Pretrial (RCW 10.99.040(4) (b) and (c))
No Contact Order Domestic Violence Sentence (RCW 10.99.050(2))
Protection Order Domestic Violence Civil (RCW 26.50.110 (4) and (5))))~~ Domestic Violence
Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110,
26.52.070, or section 3 of this act)
Counterfeiting (if a violation of RCW 9.16.035(4))

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband
1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft
2nd Degree Escape
2nd Degree Introducing Contraband
2nd Degree Possession of Stolen Property
2nd Degree Malicious Mischief
1st Degree Reckless Burning
Taking a Motor Vehicle without Authorization
Forgery
2nd Degree Perjury
2nd Degree Promoting Prostitution
Tampering with a Witness
Trading in Public Office
Trading in Special Influence
Receiving/Granting Unlawful Compensation
Bigamy
Eluding a Pursuing Police Vehicle
Willful Failure to Return from Furlough
Escape from Community Custody
Riot (if against property)
Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (A) Will significantly enhance the strength of the state's case at trial; or
- (B) Will result in restitution to all victims.

(ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (A) Charging a higher degree;
- (B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (B) The completion of necessary laboratory tests; and
- (C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (A) Probable cause exists to believe the suspect is guilty; and
- (B) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (A) Polygraph testing;
- (B) Hypnosis;
- (C) Electronic surveillance;
- (D) Use of informants.

(iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

NEW SECTION. **Sec. 32.** Section 18 of this act takes effect July 1, 2000.

NEW SECTION. **Sec. 33.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 34.** (1) The penalties prescribed in section 1 of this act apply to violations of court orders which occur on or after the effective date of section 1 of this act, regardless of the date the court issued the order.

(2) The penalties prescribed in this act, other than in section 1 of this act, apply to violations of court orders which occur on or after July 1, 2000, regardless of the date the court issued the order."

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 25, 2000

SSB 6401 Prime Sponsor, Committee on Senate Health & Long-Term Care: Protecting vulnerable adults. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.20A.710 and 1999 c 336 s 7 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges or disciplinary board final decisions of:

(a) Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or individuals with mental illness or developmental disabilities; and

(b) Individual providers who are paid by the state (~~for~~) and providers who are paid by home care agencies to provide in-home services (~~and hired by individuals~~) involving unsupervised access to persons with physical (~~disabilities~~), mental, or developmental disabilities(~~or~~) or mental illness, or (~~mental impairment~~) to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) An individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records both through the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. The department shall pay for the investigation of criminal records as provided for in the omnibus appropriations act. This subsection does not supersede RCW 74.15.030(2)(b).

(4) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(5) The secretary shall provide the results of the (~~state~~) background check on individual providers to the (~~individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment~~) persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If (~~an individual~~) the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from (~~employment with the department~~) having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(~~(4)~~) (6) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.34 RCW to read as follows:

(1) The department shall establish and maintain a state registry containing names of, and other identifying information about, individuals who have been found to have abandoned, abused, financially exploited, or neglected vulnerable adults. The department shall remove from the registry the name of any individual who: (a) Later is found by the office of administrative hearings under chapter 34.05 RCW, or a court of law, not to have abandoned, abused, financially exploited, or neglected vulnerable adults; or (b) was erroneously placed upon the registry. The department shall adopt rules that are necessary to implement the registry. At a minimum, the rules shall address disclosure, disposition, and notification of findings, appeal rights, fair hearing requirements, and the opportunity for the individual who is the subject of the investigation to provide information orally or in writing prior to the preliminary determination.

(2) A nursing home, boarding home, or adult family home employer shall be immune from liability for an employment decision made in reasonable reliance upon information obtained directly from the registry.

NEW SECTION. Sec. 3. A new section is added to chapter 74.34 RCW to read as follows:

If following an investigation into allegations that an individual abandoned, abused, financially exploited, or neglected a vulnerable adult, the department determines that a preponderance of evidence exists to support the allegation, the department shall make a preliminary determination of abandonment, abuse, financial exploitation, or neglect. The department shall not make a preliminary finding of neglect if the individual demonstrates that the neglect was caused by factors beyond his or her control. The department shall not initiate a registry investigation into an allegation of abuse, neglect, abandonment, or financial exploitation in an in-home setting or in a facility licensed under chapter 70.128 or 18.20 RCW if the nursing care quality assurance commission and the department of health have completed a full investigation and have taken no action against a nurse licensed under chapter 18.79 RCW. The individual shall be notified of the preliminary determination and shall be entitled to appeal the preliminary finding in an adjudicative proceeding under chapter 34.05 RCW. If the individual does not request an adjudicative proceeding within the time allowed for appeal, or if the department's preliminary determination is upheld following an adjudicative proceeding, the preliminary determination shall be considered a finding and the department shall place such finding on the state registry described in section 2 of this act. This section does not apply to findings of abandonment, abuse, financial exploitation, or neglect by an individual who is a vulnerable adult and who has the functional, mental, or physical inability to care for himself or herself or who has been found incapacitated under chapter 11.88 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 74.34 RCW to read as follows:

In the case of a single finding of neglect, at least one year after an individual's name has been placed on the registry, the individual may petition the department for removal of his or her name from the registry, or the individual may petition the department to be allowed to work in a licensed nursing home, boarding home, or adult family home. The rules developed by the department shall describe how the petition can be filed, and shall identify factors that the department will consider before rendering a decision on the petition. Any individual whose name has been on the registry for ten consecutive years may petition the removal of his or her name from the registry for any reason.

In determining whether to remove the individual's name, the department shall consider the following information if reasonably available: (1) The nature of the conduct that caused the person's name to be placed on the registry; (2) the severity of harm in the original investigated incident; (3) the conduct of the individual in the elapsed ten-year period, including treatment, criminal convictions, and employment history; and (4) such other information as the department determines to be relevant.

If the department determines the individual's name can be removed from the registry, the department shall immediately remove the individual's name from the registry. The department shall maintain the records of this review, but such information may not be disclosed except to the individual seeking the removal or by an order entered in superior court.

If an individual has been convicted of a disqualifying crime under RCW 43.43.842, the individual may not make a request under this section until ten years from the date of conviction.

If the department acted in good faith and in accordance with established procedures when it removed an individual's name from the registry, or when it allowed an individual whose name is on the registry to work in a nursing home, boarding home, or adult family home setting, it shall be immune from liability for the future actions of the individual.

NEW SECTION. Sec. 5. A new section is added to chapter 74.34 RCW to read as follows:

A preliminary determination of abandonment, abuse, financial exploitation, or neglect shall be sustained in an adjudicative proceeding if the presiding officer finds it is supported by a preponderance of the evidence. The presiding officer's decision must be rendered within one hundred twenty days of the date the individual's hearing request was received by the office of administrative hearings. However, if the presiding officer finds that extenuating circumstances exist that will prevent the decision from being made within the one hundred twenty-day time period, the presiding officer may extend the deadline only as long as is reasonably necessary.

NEW SECTION. Sec. 6. A new section is added to chapter 74.34 RCW to read as follows:

When the department learns that any in-state or out-of-state agency, disciplining authority, or court has taken an action that would prevent the individual from being employed in the care of and having unsupervised access to vulnerable adults in accordance with RCW 74.39A.050(8), the department shall place identifying information about the individual on the state registry.

NEW SECTION. Sec. 7. A new section is added to chapter 74.34 RCW to read as follows:

The department shall disclose to any home and community services or nursing home employer as defined in chapter 74.39A RCW, or to any person who is employing, staffing, licensing, or contracting for the provision of long-term care services to a vulnerable adult, registry findings of abuse, neglect, abandonment, and financial exploitation so long as the person requesting such information provides to the department the individual's correct legal name, social security number, gender, and date of birth. The department may request additional information necessary to ensure the accurate identification of the individual on the registry. The department shall not release an individual's home address, social security number, or home telephone number.

Nothing in this act is to be construed to prevent anyone from obtaining any information about themselves that is in the possession of the department. The department may withhold information regarding other persons as provided by law or when release of such information could reasonably result in a violation or threat to a person's privacy, health, or safety.

The person requesting registry findings shall use this information only for making decisions regarding employment, staffing, contracting, or licensing of the individual with regard to the provision of care and services to vulnerable adults. Further dissemination or use of the findings is prohibited.

Sec. 8. RCW 74.39A.050 and 1999 c 336 s 5 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, resident managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults except as permitted in section 4 of this act.

~~(9) ((The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.~~

~~(10))~~ (10) The department shall by rule develop training requirements for individual providers and home care agency providers. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirement within the time limit specified by the department by rule.

~~((11))~~ (11) The department shall establish, by rule, training, background checks, and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

~~((12))~~ (12) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

~~((13))~~ (13) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can

develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

Sec. 9. RCW 74.34.095 and 1999 c 176 s 17 are each amended to read as follows:

(1) The following information is confidential and not subject to disclosure, except as provided in this section:

- (a) A report of abandonment, abuse, financial exploitation, or neglect made under this chapter;
- (b) The identity of the person making the report; and
- (c) All files, reports, records, communications, and working papers used or developed in the investigation or provision of protective services.

(2) Information considered confidential may be disclosed only for a purpose consistent with this chapter or as authorized by chapter 18.20, 18.51, or 74.39A RCW, or as authorized by the long-term care ombudsman programs under federal law or state law, chapter 43.190 RCW.

(3) A court or presiding officer in an administrative proceeding may order disclosure of confidential information only if the court, or presiding officer in an administrative proceeding, determines that disclosure is essential to the administration of justice and will not endanger the life or safety of the vulnerable adult or individual who made the report. The court or presiding officer in an administrative hearing may place restrictions on such disclosure as the court or presiding officer deems proper.

(4) Findings and other information entered into a state registry as authorized by this act are not considered confidential. However, the individual's social security number, home telephone number, and home address shall not be disclosed.

Sec. 10. RCW 74.39A.095 and 1999 c 175 s 3 are each amended to read as follows:

(1) In carrying out case management responsibilities established under RCW 74.39A.090 for consumers who are receiving services under the medicaid personal care, community options programs entry system or chore services program through an individual provider, each area agency on aging shall provide adequate oversight of the care being provided to consumers receiving services under this section. Such oversight shall include, but is not limited to:

- (a) Verification that the individual provider has met any training requirements established by the department;
- (b) Verification of a sample of worker time sheets;
- (c) Home visits or telephone contacts sufficient to ensure that the plan of care is being appropriately implemented;
- (d) Reassessment and reauthorization of services;
- (e) Monitoring of individual provider performance; and
- (f) Conducting criminal background checks or verifying that criminal background checks have been conducted.

(2) The area agency on aging case manager shall work with each consumer to develop a plan of care under this section that identifies and ensures coordination of health and long-term care services that meet the consumer's needs. In developing the plan, they shall utilize, and modify as needed, any comprehensive community service plan developed by the department as provided in RCW 74.39A.040. The plan of care shall include, at a minimum:

- (a) The name and telephone number of the consumer's area agency on aging case manager, and a statement as to how the case manager can be contacted about any concerns related to the consumer's well-being or the adequacy of care provided;
- (b) The name and telephone numbers of the consumer's primary health care provider, and other health or long-term care providers with whom the consumer has frequent contacts;
- (c) A clear description of the roles and responsibilities of the area agency on aging case manager and the consumer receiving services under this section;
- (d) The duties and tasks to be performed by the area agency on aging case manager and the consumer receiving services under this section;

- (e) The type of in-home services authorized, and the number of hours of services to be provided;
 - (f) The terms of compensation of the individual provider;
 - (g) A statement that the individual provider has the ability and willingness to carry out his or her responsibilities relative to the plan of care; and
 - (h)(i) Except as provided in (h)(ii) of this subsection, a clear statement indicating that a consumer receiving services under this section has the right to waive any of the case management services offered by the area agency on aging under this section, and a clear indication of whether the consumer has, in fact, waived any of these services.
 - (ii) The consumer's right to waive case management services does not include the right to waive reassessment or reauthorization of services, or verification that services are being provided in accordance with the plan of care.
- (3) Each area agency on aging shall retain a record of each waiver of services included in a plan of care under this section.
 - (4) Each consumer has the right to direct and participate in the development of their plan of care to the maximum practicable extent of their abilities and desires, and to be provided with the time and support necessary to facilitate that participation.
 - (5) A copy of the plan of care must be distributed to the consumer's primary care provider, individual provider, and other relevant providers with whom the consumer has frequent contact, as authorized by the consumer.
 - (6) The consumer's plan of care shall be an attachment to the contract between the department, or their designee, and the individual provider.
 - (7) If the department or area agency on aging case manager finds that an individual provider's inadequate performance or inability to deliver quality care is jeopardizing the health, safety, or well-being of a consumer receiving service under this section, the department or the area agency on aging may take action to terminate the contract between the department and the individual provider. If the department or the area agency on aging has a reasonable, good faith belief that the health, safety, or well-being of a consumer is in imminent jeopardy, the department or area agency on aging may summarily suspend the contract pending a fair hearing. The consumer may request a fair hearing to contest the planned action of the case manager, as provided in chapter 34.05 RCW.
 - (8) The department or area agency on aging may reject a request by ~~((an [a]))~~ a consumer receiving services under this section to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the family member or other person will be unable to appropriately meet the care needs of the consumer. The consumer may request a fair hearing to contest the decision of the case manager, as provided in chapter 34.05 RCW.

NEW SECTION. Sec. 11. A new section is added to chapter 74.39A RCW to read as follows:

A home and community services employer or a nursing home employer who discloses information about a former or current employee to a prospective home and community services employer or nursing home employer is presumed to be acting in good faith and is immune from civil and criminal liability for such disclosure or its consequences if the disclosed information relates to: (1) The employee's ability to perform his or her job; (2) the diligence, skill, or reliability with which the employee carried out the duties of his or her job; or (3) any illegal or wrongful act committed by the employee when related to his or her ability to care for a vulnerable adult. For purposes of this section, the presumption of good faith may only be rebutted upon a showing by clear and convincing evidence that the information disclosed by the home and community services employer or nursing home employer was knowingly false or with reckless disregard for the truth of the information disclosed. Nothing in this section shall affect or limit any other state, federal, or constitutional right otherwise available. Should the employee successfully rebut the presumption of good faith standard in a court of competent jurisdiction, and therefore be the prevailing party, the prevailing party shall be entitled to recover reasonable attorneys' fees against the employer.

NEW SECTION. **Sec. 12.** STATE REGISTRY--TERMINATION. The state registry established in section 2 of this act shall be terminated on June 30, 2004, as provided in section 13 of this act.

NEW SECTION. **Sec. 13.** STATE REGISTRY--REPEAL. Section 2 of this act, as now existing or hereafter amended, is repealed effective June 30, 2005.

NEW SECTION. **Sec. 14.** Captions used in this act are not any part of the law."

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 25, 2000

SB 6429 Prime Sponsor, Senator Patterson: Changing statutes that effect the productivity board.
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 6431 Prime Sponsor, Senator Heavey: Allowing for the dissemination of criminal history record information to the horse racing commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, line 10, after "chapter." strike all material to the end of the section and insert "Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited."

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6450 Prime Sponsor, Committee on Senate Natural Resources, Parks & Recreation: Clarifying the deposit and use of moneys for wildlife publications. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

On page 2, after line 8, insert the following:

"NEW SECTION. Sec. 3. RCW 75.08.235 (Informational materials--Fee-Disposition of money collected) and 1992 c 13 s 12 are each repealed."

Correct the title

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Republican Vice Chair; G. Chandler and Clements.

Voting yea: Representatives Buck, Regala, Anderson, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Voting nay: Representatives Sump, G. Chandler and Clements.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6459 Prime Sponsor, Committee on Senate Judiciary: Prohibiting the use of identifying information to solicit undesired mail. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.35 RCW to read as follows:

(1) It is unlawful for any person to knowingly use a means of identification of another person to solicit undesired mail with the intent to annoy, harass, intimidate, torment, or embarrass that person.

(2) For purposes of this section, "means of identification" has the meaning provided in RCW 9.35.020.

(3) Violation of this section is a misdemeanor.

(4) Additionally, a person who violates this section is liable for civil damages of five hundred dollars or actual damages, including costs to repair the person's credit record, whichever is greater, and reasonable attorneys' fees as determined by the court."

Correct the title.

Signed by Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Voting yea: Representatives Carrell, Constantine, Hurst, Lambert, Cox, Dickerson, Esser, Kastama, Lantz, Lovick, McDonald and Schindler.

Passed to Rules Committee for Second Reading.

February 24, 2000

ESSB 6462 Prime Sponsor, Committee on Senate Education: Providing a salary bonus for teachers receiving national board for professional teaching standards certification. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares:

(1) The national board for professional teaching standards has established high and rigorous standards for what highly accomplished teachers should know and be able to do in order to increase student learning results;

(2) The national board certifies teachers who meet these standards through a rigorous, performance-based assessment process;

(3) A certificate awarded by the national board attests that a teacher has met high and rigorous standards and has demonstrated the ability to make sound professional judgments about how to best meet students' learning needs and effectively help students meet challenging academic standards;

(4) Teachers who attain national board certification should be acknowledged and rewarded in order to encourage more teachers to pursue certification for the benefit of Washington students.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.405 RCW to read as follows:

(1) To the extent funds are appropriated, in addition to the compensation received under the salary schedule adopted in accordance with RCW 28A.405.200, teachers who have attained certification by the national board for professional teaching standards shall receive a bonus. The bonus established under this section is not part of basic education and is not included in the salary and benefit provisions of RCW 28A.400.200.

(2) By December 31, 2003, the office of the superintendent of public instruction, in cooperation with the state board of education and with the assistance of an advisory committee, shall review the national board certification standards to determine whether additional requirements to the national standards are needed to align the national requirements with Washington state standards for teachers and students under education reform.

(3) By November 15, 2003, the Washington institute for public policy shall report to the appropriate house of representatives and senate committees on the results and accomplishments of the program to provide bonuses to teachers who have achieved certification from the national board.

(4) This section expires June 30, 2004."

Correct the title.

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Referred to Committee on Appropriations.

February 23, 2000

SSB 6467 Prime Sponsor, Committee on Senate Transportation: Reversing the 1999 license fraud law. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 11, after line 26, insert the following:

"NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner, Wood and Woods.

Excused: Representative Buck.

Passed to Rules Committee for Second Reading.

February 25, 2000

ESSB 6487 Prime Sponsor, Committee on Senate Human Services & Corrections: Providing for the release of mental health information under certain circumstances. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A RCW by authorizing access to, and release or disclosure of, necessary information related to mental health services. This includes accessing and releasing or disclosing information of persons who received mental health services as a minor. The legislature does not intend this act to readdress access to information and records regarding continuity of care.

The legislature recognizes that persons with mental illness have a right to the confidentiality of information related to mental health services, including the fact of their receiving such services, unless there is a state interest that supersedes this right. It is the intent of the legislature to balance that right of the individual with the state interest to enhance public safety.

NEW SECTION. Sec. 2. A new section is added to chapter 71.34 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients

of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.05 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or community mental health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2) Information related to mental health services delivered to a person subject to chapter 9.94A RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(3) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(4) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(5) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in RCW 71.34.200, except as provided in section 4 of this act.

(6) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2) Information related to mental health services delivered to a person subject to chapter 9.94A RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The

information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(3) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(4) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(5) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in section 4 of this act.

(6) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW 71.05.670 and 71.05.440.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows:

(1) The information received by the department under section 2 or 3 of this act may be released to the indeterminate sentence review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction. Further disclosure by the indeterminate sentence review board is subject to the limitations set forth in subsections (3) and (4) of this section and must be consistent with the written policy of the indeterminate sentence review board. The decision to disclose or not shall not result in civil liability for the indeterminate sentence review board or its employees provided that the decision was reached in good faith and without gross negligence.

(2) The information received by the department under section 2 or 3 of this act may be used to meet the statutory duties of the department to provide evidence or report to the court. Disclosure to the public of information provided to the court by the department related to mental health services shall be limited in accordance with RCW 9.94A.110 or this section.

(3) The information received by the department under section 2 or 3 of this act may be disclosed by the department to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. The information received by a state or local agency from the department shall remain confidential and subject to the limitations on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and, subject to these limitations, may be released only as relevant and necessary to counteract the danger created by a particular offender.

(4) The information received by the department under section 2 or 3 of this act may be disclosed by the department to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2). The information may not be disclosed for the purpose of engaging the public in a system of supervision, monitoring, and reporting offender behavior to the department. The department must limit the disclosure of information related to mental health services to the public to descriptions of an offender's behavior, risk he or she may present to the community, and need for mental health treatment, including medications, and shall not disclose or release to the public copies of treatment documents or records, except as otherwise provided by law. All disclosure of information to the public must be done in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. Nothing in this subsection prevents any person from reporting to law enforcement or the department behavior that he or she believes creates a public safety risk.

Sec. 5. RCW 71.05.630 and 1989 c 205 s 13 are each amended to read as follows:

- (1) Except as otherwise provided by law, all treatment records shall remain confidential. Treatment records may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.
- (2) Treatment records of an individual may be released without informed written consent in the following circumstances:
 - (a) To an individual, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the individual whose records are being released.
 - (b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.
 - (c) For purposes of research as permitted in chapter 42.48 RCW.
 - (d) Pursuant to lawful order of a court.
 - (e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.
 - (f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to individuals employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.
 - (g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of individuals who are under the supervision of the department.
 - (h) To a licensed physician who has determined that the life or health of the individual is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.
 - (i) To a facility that is to receive an individual who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the individual from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of an individual who is receiving inpatient or outpatient evaluation or treatment. ~~((Every person who is under the supervision of the department of corrections who receives evaluation or treatment under chapter 9.94A RCW shall be notified of the provisions of this section by the individual's corrections officer.))~~ Except as provided in sections 2 and 3 of this act, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When an individual is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the individual's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only. ~~((In cases involving a person under supervision of the department of corrections, disclosure shall be made to the supervising corrections officer only.))~~

(k) To the individual's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) ~~((To a corrections officer of the department who has custody of or is responsible for the supervision of an individual who is transferred or discharged from a treatment facility.~~

~~(m))~~ To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental illness or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

Sec. 6. RCW 71.05.390 and 1999 c 12 s 1 are each amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person: (a) Employed by the facility; (b) who has medical responsibility for the patient's care; (c) who is a county designated mental health professional; (d) who is providing services under chapter 71.24 RCW; (e) who is employed by a state or local correctional facility where the person is confined; or (f) who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/

"

(6) To the courts as necessary to the administration of this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary admission, the fact and date of discharge, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to

receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

~~((12))~~ (13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

~~((13))~~ (14) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

~~((14))~~ (15) To the department of health ((of)) for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 7. RCW 71.34.200 and 1985 c 354 s 18 are each amended to read as follows:

The fact of admission and all information obtained through treatment under this chapter is confidential. Confidential information may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of this chapter, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To persons with medical responsibility for the minor's care;

(4) To the minor, the minor's parent, and the minor's attorney, subject to RCW 13.50.100;

(5) When the minor or the minor's parent ~~((designate[s]))~~ designates in writing the persons to whom information or records may be released;

(6) To the extent necessary to make a claim for financial aid, insurance, or medical assistance to which the minor may be entitled or for the collection of fees or costs due to providers for services rendered under this chapter;

(7) To the courts as necessary to the administration of this chapter;

(8) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address shall be disclosed upon request;

(9) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to

assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(10) To the secretary for assistance in data collection and program evaluation or research, provided that the secretary adopts rules for the conduct of such evaluation and research. The rules shall include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/

"

(11) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence;

(12) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence;

~~((12))~~ (13) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

~~((13))~~ (14) Upon the death of a minor, to the minor's next of kin;

~~((14))~~ (15) To a facility in which the minor resides or will reside.

This section shall not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary. The fact of admission and all information obtained pursuant to this chapter are not admissible as evidence in any legal proceeding outside this chapter, except guardianship or dependency, without the written consent of the minor or the minor's parent.

Sec. 8. RCW 9.94A.110 and 1999 c 197 s 3 and 1999 c 196 s 4 are each reenacted and amended to read as follows:

(1) Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

(2) To prevent wrongful disclosure of information related to mental health services, as defined in sections 2 and 3 of this act, a court may take only those steps necessary during a sentencing hearing or any hearing in which the department presents information related to mental health services to the court. The steps may be taken on motion of the defendant, the prosecuting attorney, or on the court's own motion. The court may seal the portion of the record relating to information relating to mental health services, exclude the public from the hearing during presentation or discussion of information relating to mental health services, or grant other relief to achieve the result intended by this subsection, but nothing in this subsection shall be construed to prevent the subsequent release of information related to mental health services as authorized by sections 2 through 4 of this act. Any person who otherwise is permitted to attend any hearing pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the hearing solely because the department intends to disclose or discloses information related to mental health services."

Correct the title.

Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6502 Prime Sponsor, Committee on Senate Health & Long-Term Care: Changing provisions on long-term care training. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Schual-Berke, Democratic Vice Chair; Alexander; Campbell; Conway; Edmonds; Edwards; Mulliken; Pennington and Ruderman.

Voting yea: Representatives Cody, Parlette, Pflug, Schual-Berke, Alexander, Campbell, Conway, Edmonds, Edwards, Mulliken, Pennington and Ruderman.

Referred to Committee on Appropriations.

February 25, 2000

SSB 6525 Prime Sponsor, Committee on Senate Environmental Quality & Water Resources:
Prioritizing the processing of applications for water rights changes and transfers. Reported by
Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In order to help reduce the current backlog of applications for changes, transfers, or amendments of existing water rights, the legislature intends to allow the processing of applications for such changes, transfers, or amendments without regard to possible impairment of pending applications for new water rights. While the legislature intends to assist the processing of such changes, transfers, and amendments, it does not intend to divert the department of ecology's efforts or in any other way deter the processing of applications for new water rights.

The legislature finds that information provided by the public helps to assure compliance with the requirements of current law regarding decisions on applications for changes, transfers, or amendments of existing water rights.

Sec. 2. RCW 90.03.015 and 1987 c 109 s 65 are each amended to read as follows:

As used in this chapter unless the context clearly requires otherwise:

(1) "Application for change" means an application filed under RCW 90.03.380, 90.03.390, 90.44.100, or 90.44.105.

(2) "Department" means the department of ecology;

~~((2))~~ (3) "Director" means the director of ecology; and

~~((3))~~ (4) "Person" means any firm, association, water users' association, corporation, irrigation district, or municipal corporation, as well as an individual.

(5) "Same water source" means a ground water body or surface water body, including a stream, stream system, lake, or reservoir and any spring water or underground water that is part of or tributary to the surface water body or aquifer, that the department determines to be an independent water body for the purposes of water rights administration.

NEW SECTION. Sec. 3. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department may process and render decisions on an application for change independently from processing and making decisions on pending applications for new water rights from the same water source without regard to the dates on which the applications for the new rights were filed.

(2) Except as provided in this section, the department and a water conservancy board shall process applications for change from the same water source in the order in which they were filed with the department or the board. The exceptions are:

(a) The proposed change, transfer, or amendment would alleviate a public health and safety emergency or otherwise preserve public health and safety;

(b) There is insufficient information to render a decision on a senior application or applications for change, and the information cannot be obtained in a timely manner;

(c) The proposed change, transfer, or amendment was filed by a claimant in a water rights adjudication, and a decision is needed expeditiously to ensure that orders or decrees of the superior court will be representative of the current water situation;

(d) The proposed change, transfer, or amendment will move a point of diversion or withdrawal, or replace a diversion with a withdrawal, or replace a withdrawal with a diversion, or change the season of use, when it assists in the recovery of fish listed under the federal endangered species act as threatened or endangered;

(e) The proposed change, transfer, or amendment or group of changes, transfers, or amendments will result in providing public water supplies for at least one city and one town or at least two cities and will meet the general needs of the public for a regional area;

(f) The proposed change, transfer, or amendment is for the purposes of a temporary or preliminary permit, for a seasonal change under RCW 90.03.390, or for an emergent or emergency circumstance under RCW 43.83B.410 or 90.03.383(7); or

(g) The processing of a proposed certificate submitted to the department under chapter 90.80 RCW.

(3) The department, any other state agency, or a water conservancy board shall not require an applicant to give up a valid right or claim to any part of the applicant's water right.

(4) The department may adopt rules to implement this section, but such rules must strictly adhere to the provisions of this section.

(5) Pending applications for new water rights are not entitled to protection from impairment or given priority for any available water if the department or a water conservancy board processes an application for change from the same water source. New water rights issued after an application for change is approved from the same water source are not entitled to protection from impairment or priority for any available water in relation to the changed, transferred, or amended water right regardless of the dates on which the applications were filed with the department or the board.

(6) Notice of an application for change of a water right must be published for the same period and in the same manner as prescribed for an application for a permit by RCW 90.03.280 in the county or counties in which water for the right is withdrawn or diverted and used, although the department may also post notice of the application on the internet at an electronic site containing other departmental information. The department or water conservancy board shall consider all comments received in writing by mail or personal delivery that are received within thirty days of the date of the last newspaper publication of the notice required under RCW 90.03.280.

(7) As used in this section, "water conservancy board" or "board" means a water conservancy board created under chapter 90.80 RCW.

NEW SECTION. **Sec. 4.** A new section is added to chapter 90.66 RCW to read as follows:

This chapter does not apply to the donation or transfer of a water right to the trust water rights systems administered by the department or to transfers, changes, or amendments of rights to water established under this chapter to any use other than an irrigation use of water. Nothing in this chapter may be construed as prohibiting the transfer, change, or amendment of a right or a portion of a right established through the issuance of a permit under this chapter to a purpose of use other than an irrigation use of water. However, following such a transfer, change, or amendment to a use other than an irrigation use of water, any subsequent transfer, change, or amendment of the right or portion of the right to an irrigation use of water is governed by the limitations established by this chapter."

Correct the title.

Signed by Representatives G. Chandler, Republican Co-Chair; Koster, Republican Vice Chair; B. Chandler; Delvin; Fortunato; Grant; Schoesler and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; Reardon; Stensen and Wood.

Voting yea: Representatives G. Chandler, Koster, B. Chandler, Delvin, Fortunato, Grant, Schoesler and Sump.

Voting nay: Representatives Linville, Cooper, Anderson, Reardon, Stensen and Wood.

Passed to Rules Committee for Second Reading.

February 23, 2000

SSB 6552 Prime Sponsor, Committee on Senate Ways & Means: Studying recreational opportunities available in the west slope of the Cascade foothills. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the population of the Puget Sound region will grow by more than a million and a half by 2020, and that current and new residents will seek greater opportunities for outdoor recreation within a reasonable distance from their homes. Changing demographics, healthier and more active lifestyles, and improvements in recreation technology will all lead to growing public demand for areas and facilities in which to recreate. The west slope Cascade foothills, from the international border south through Thurston county, provide a wealth of existing and potential outdoor recreation areas that are close to the great majority of the urbanized areas of Puget Sound. Within this area are many public lands, including state park units, that may provide the nucleus for a network of lands accessible for diverse recreational uses by people of all ages, physical capacities, and recreational preferences.

The legislature further finds that the Cascade foothills are home to many permanent residents who benefit from the natural resource and lifestyle amenities of the foothills, and that expanding recreational opportunities in the foothills must be consistent with the long-term sustainability of the local economies. The west slope Cascade foothills also are an integral part of the "mountains to sound" region and provide significant benefits to the entire region, including watershed protection, wildlife habitat, flood damage reduction, and scenic values. A review of outdoor recreational needs and opportunities in the foothills should include consideration of these benefits and the need for protection of these functions and values.

NEW SECTION. Sec. 2. (1) As used in this section and section 1 of this act, "Cascade foothills," "west slope Cascade foothills," and "Cascade foothills area" means the generally nonurbanized area within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within the counties of Whatcom, Skagit, Snohomish, King, Pierce, and Thurston. Lands lying at lower elevations that are in the immediate vicinity of the foothills area, such as lower drainages, are also included within this term. These lands include public lands that are devoted to developed, nonrecreational uses. This definition is provided solely to guide the parks and recreation commission in the geographic scope of its study responsibilities and confers no authority upon any entity other than the commission for the study purposes of this section.

(2) The Washington state parks and recreation commission shall review and make recommendations to the legislature and governor on the existing and future outdoor recreational needs and opportunities in the west slope Cascade foothills, recognizing the important functions and values that are provided by these lands. These include wildlife habitat, watershed protection, flood damage protection, scenic enjoyment, and economic uses, as well as the means by which more effective use of existing public lands in the foothills, assisted by willing private providers of outdoor recreation facilities, may serve to meet these needs. To this end the study should include:

(a) An assessment of the existing and the twenty-year growth projection for recreational demand of the population residing within one-hour driving time from the Cascade foothills. This

assessment shall include the types of recreational uses anticipated, demographic projections of recreational users, and developed facilities needed to serve such uses;

(b) An inventory of existing facilities and lands accessible for recreational use within the Cascade foothills;

(c) A review of existing local, regional, state, federal, private, and nongovernmental nonprofit entities providing outdoor recreation opportunities within the Cascade foothills and their coordination in meeting public outdoor recreation demand, as well as the role of public education of recreational users to avoid land damage;

(d) A review of state lands within the Cascade foothills that may be managed principally or in part for outdoor recreation uses as a unit of a Cascade foothills state park, and recommendations for transitioning to such management;

(e) A compilation of materials, obtained at no cost by the commission from other government agencies and private entities, of existing wildlife and conservation functions and values, which could be used in future evaluations of the compatibility of proposed recreational uses and activities;

(f) Recommendations for regional coordination among public and private outdoor recreation providers to promote expanded outdoor recreation opportunities within the Cascade foothills; and

(g) Methods to fund local, regional, and state outdoor recreation programs and facilities within the Cascade foothills.

(3) In conducting the study, the Washington state parks and recreation commission should consult with the counties and cities within the Cascade foothills area, with other public and private land managers providing outdoor recreation opportunities to the public, and with organizations having an interest in the management, conservation, and use of public lands in the Cascade foothills.

(4) The Washington state parks and recreation commission may accept contributions of funds or services to assist in conducting the study.

(5) The Washington state parks and recreation commission shall provide its report covering subsection (2)(a) through (e) of this section to the governor and the senate natural resources, parks and recreation committee and the natural resources committee of the house of representatives no later than nine months after having received, through appropriation or contribution, one hundred thousand dollars to cover the costs of the study. A final report, including recommendations covering subsection (2)(f) and (g) of this section, shall be provided by July 1, 2002.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 15, 2000."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Doumit; Eickmeyer; Ericksen and Stensen.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Republican Vice Chair; G. Chandler; Clements and Pennington.

Voting yea: Representatives Buck, Regala, Anderson, Doumit, Eickmeyer, Ericksen, Rockefeller and Stensen.

Voting nay: Representatives Sump, G. Chandler, Clements and Pennington.

Referred to Committee on Appropriations.

February 24, 2000

ESB 6555 Prime Sponsor, Senator Long: Ordering a study of evaluations of children needing long-term care. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.14A.050 and 1998 c 245 s 149 are each amended to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges;

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

(i) Placement within the foster care system for two years or more;

(ii) Multiple foster care placements;

(iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;

(iv) Chronic behavioral or educational problems;

(v) Repetitive criminal acts or offenses;

(vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and

(vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;

(2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;

(3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. The evaluation shall be completed by January 1, 1994. All children entering the foster care system after January 1, 1994, must be evaluated for identification of long-term needs within ~~((thirty))~~ sixty days of placement;

(4) By region, report to the legislature on the following using aggregate data every six months beginning December 31, 2000:

(a) The number of children evaluated during the first sixty days of placement as required in subsection (3) of this section;

(b) The tool or tools used to evaluate children, including the content of the tool and the method by which the tool was validated;

(c) The findings from the evaluation regarding the children's needs;

(d) How the department used the results of the evaluation to provide services to the foster child to meet his or her needs;

(e) Whether and how the evaluation results assisted the department in providing appropriate services to the child, matching the child with an appropriate care provider early on in the child's placement and achieving the child's permanency plan in a timely fashion; and

(f) The provisions of this subsection are not retroactive. The data reporting applies to placements made on and after the effective date of this act.

(5) Each region of the department shall make the appropriate number of referrals to the foster care assessment program to ensure that the services offered by the program are used to the extent funded pursuant to the department's contract with the program. The department shall report to the legislature by November 30, 2000, on the number of referrals, by region, to the foster care assessment program. If the regions are not referring an adequate number of cases to the program, the department shall include in its report an explanation of what action it is or has taken to ensure that the referrals are adequate.

(6) The department shall report to the legislature by December 15, 2000, on how it will use the foster care assessment program model to assess children as they enter out-of-home care.

(7) The department is to accomplish the tasks listed in subsections (4) through (6) of this section within existing resources.

(8) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;

~~((5))~~ (9) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth;

~~((6))~~ (10) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and

~~((7))~~ (11) Study and develop a statutory proposal for the emancipation of minors."

Correct the title.

Signed by Representatives D. Sommers, Republican Co-Chair; Tokuda, Democratic Co-Chair; Boldt, Republican Vice Chair; Kagi, Democratic Vice Chair; Campbell; Carrell; Dickerson; Eickmeyer; Kastama and Pflug.

Voting yea: Representatives D. Sommers, Tokuda, Boldt, Kagi, Campbell, Carrell, Dickerson, Eickmeyer, Kastama and Pflug.

Passed to Rules Committee for Second Reading.

February 23, 2000

SSB 6557 Prime Sponsor, Committee on Senate Commerce, Trade, Housing & Financing: Allowing credit unions to conduct raffles. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 2, line 32, after "law." insert "All revenue less prizes and expenses received from raffles conducted by credit unions must be devoted to purposes authorized under this section for charitable and nonprofit organizations."

Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; McIntire and McMorris.

MINORITY recommendation: Do not pass. Signed by Representative Hurst.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, McIntire and McMorris.

Voting nay: Representative Hurst.

Excused: Representative Lisk.

Passed to Rules Committee for Second Reading.

February 24, 2000

ESSB 6559 Prime Sponsor, Committee on Senate Education: Notifying parents of school programs leading to college credit. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning with the 2000-01 school year, the superintendent of public instruction shall notify senior high schools and any other public school that includes ninth grade of the names and contact information of public and private entities offering programs leading to college credit, including information about online advanced placement classes, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the 2000-01 school year, each senior high school and any other public school that includes ninth grade shall publish annually and deliver by United States mail to each parent with children enrolled in ninth through twelfth grades, information concerning the entrance requirements and the availability of programs in the local area that lead to college credit, including classes such as advanced placement, running start, tech-prep, skill centers, college in the high school, and international baccalaureate programs. In addition, each senior high school and any other public school that includes ninth grade shall enclose information of the names and contact information of other public or private entities offering such programs, including online advanced placement programs, to its ninth through twelfth grade students if the school has knowledge of such entities."

Correct the title.

Signed by Representatives Quall, Democratic Co-Chair; Haigh, Democratic Vice Chair; Carlson; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke and Stensen.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler, Republican Vice Chair; Cox; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Carlson, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke and Stensen.

Voting nay: Representatives Schindler, Cox, Thomas and Wensman.

Passed to Rules Committee for Second Reading.

February 25, 2000

ESB 6561 Prime Sponsor, Senator Rossi: Designating the Washington national guard as a law enforcement agency for the purposes of federal drug asset forfeiture laws. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Haigh and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representatives Campbell, Republican Vice Chair; Dunshee and Lambert.

Voting yea: Representatives McMorris, Romero, Miloscia, Haigh and Schmidt.

Voting nay: Representatives Campbell, Dunshee and Lambert.

Passed to Rules Committee for Second Reading.

February 24, 2000

SB 6570 Prime Sponsor, Senator Hargrove: Providing additional judicial authority in truancy petitions. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 2, line 20, after "alcohol" insert "and adhere to the recommendations of the drug assessment at no expense to the school"

Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 6622 Prime Sponsor, Senator Shin: Designating Asian Pacific American Heritage Month.
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 24, 2000

SSB 6643 Prime Sponsor, Committee on Senate State & Local Government: Modifying growth management planning population requirements. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6644 Prime Sponsor, Committee on Senate State & Local Government: Making technical corrections to fire protection laws. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 23, 2000

SSB 6645 Prime Sponsor, Committee on Senate Higher Education: Extending the future teachers conditional scholarship program for classified employees and modifying the program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.102.010 and 1987 c 437 s 1 are each amended to read as follows:

The legislature finds that encouraging outstanding students and classified employees to enter the teaching profession is of paramount importance to the state of Washington. By creating the future teachers conditional scholarship program, the legislature intends to assist in the effort to recruit as future teachers, students who have distinguished themselves through outstanding academic achievement, individuals who have demonstrated their commitment to children and education as classified employees, and ~~((students))~~ individuals who can act as role models for children ~~((including those from targeted ethnic minorities))~~. The legislature urges business, industry, and philanthropic community organizations to join with state government in making this program successful.

Sec. 2. RCW 28B.102.020 and 1996 c 53 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in an approved education program in this state.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) "Board" means the higher education coordinating board.

(4) "Classified employee" means an employee of a school district or educational service district who does not hold a Washington teaching certificate.

(5) "Eligible student" means a student who is registered for at least ten credit hours or the equivalent, demonstrates achievement of at least a 3.30 grade point average for students entering an institution of higher education directly from high school or maintains at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, is a resident student as defined by RCW 28B.15.012 and 28B.15.013, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification. Resident students defined in RCW 28B.15.012(2)(e) are not eligible students under this chapter.

~~((5))~~ (6) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

~~((6))~~ (7) "Forgiven" or "to forgive" or "forgiveness" means to render service as a teacher in an approved education program in the state of Washington in lieu of monetary repayment.

~~((7))~~ (8) "Satisfied" means paid-in-full.

~~((8))~~ (9) "Participant" means an eligible student or classified employee who has received a conditional scholarship under this chapter.

~~((9) "Targeted ethnic minority"))~~ (10) "Historically underrepresented populations" means ((a)) groups of Americans ((with a common ethnic or racial heritage selected)) identified by the board ((for program consideration due to societal concerns such as high dropout rates or low rates of college participation by members of the group)) because their participation in college has been significantly lower than their representation in the overall population.

~~((10))~~ (11) "Approved education program" means an education program in the state of Washington for knowledge and skills generally learned in preschool through twelfth grade. Approved education programs may include but are not limited to:

- (a) K-12 schools under Title 28A RCW;
- (b) Early childhood education and assistance programs under RCW 28A.215.100 through 28A.215.200 or the federal head start program;
- (c) An approved school under chapter 28A.195 RCW;
- (d) Education centers under chapter 28A.205 RCW;
- (e) English as a second language programs and programs leading to high school graduation or the equivalency operated by community or technical colleges; and
- (f) Tribal schools in Washington approved by the federal bureau of Indian affairs.

(12) "Equalization charge" means the additional amount added to the principle of the loan in order to equate the debt to that which the participant would have incurred if the loan had been received through the federal subsidized Stafford student loan program. The equalization charge is only applied to those participants who fail to satisfy their teaching obligation and are required to repay all or part of the conditional scholarship.

(13) "Teacher shortage area" means an area where there is a shortage of preschool, elementary, or secondary school teachers and can be designated in a specific subject matter, discipline classification, or geographic area as identified by the office of superintendent of public instruction.

Sec. 3. RCW 28B.102.030 and 1987 c 437 s 3 are each amended to read as follows:

The future teachers conditional scholarship program is established. The program shall include scholarships for eligible students and classified employees. The program shall be administered by the higher education coordinating board. In administering the program, the board shall have the following powers and duties:

- (1) Select students and classified employees to receive conditional scholarships, with the assistance of a screening committee composed of teachers, representatives of classified employees, and leaders in government, business, and education;
- (2) Adopt necessary rules and guidelines;
- (3) Publicize the program, including special efforts to recruit historically underrepresented populations to apply for the program;
- (4) Collect and manage repayments from ~~((students))~~ participants who do not meet their teaching obligations under this chapter; and
- (5) Solicit and accept grants and donations from public and private sources for the program.

Sec. 4. RCW 28B.102.040 and 1987 c 437 s 4 are each amended to read as follows:

The higher education coordinating board shall establish a planning committee to develop criteria for the screening and selection of recipients of the conditional scholarships. These criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, and an ability to act as a role model for ~~((targeted ethnic minority))~~ students. These criteria also may include, for approximately half of the recipients, requirements that those recipients meet the definition of "needy student" under RCW 28B.10.802.

Sec. 5. RCW 28B.102.050 and 1987 c 437 s 5 are each amended to read as follows:

The board may award conditional scholarships to classified employees and eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program. The amount of the conditional scholarship awarded an individual shall not exceed ~~((three thousand dollars per academic year))~~ four thousand dollars in the 2000-01 academic year. The board may adjust the annual award by the rate of undergraduate, resident tuition increases at the public four-year research universities. ~~((Students))~~ Participants are eligible to receive conditional scholarships for a maximum of five years.

Sec. 6. RCW 28B.102.060 and 1996 c 53 s 2 are each amended to read as follows:

- (1) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest and with an equalization charge, unless they teach for two years in an approved education program for each year of scholarship received, under rules adopted by the

board. Participants who teach in a designated teacher shortage area shall have one year of loan forgiven for each year they teach in the shortage area.

(2) The interest rate on new loans shall be ((eight percent for the first four years of repayment and ten percent beginning with the fifth year of repayment)) determined annually by the board. The annual interest rate should generally parallel the current rate for new loans in the primary federal student loan program for undergraduate students. Participants who fail to complete the teaching service shall incur an equalization charge of not more than three percent of the remaining unforgiven balance. The equalization charge shall be added to the remaining balance and repaid by the participant.

(3) The minimum payment shall be set by the board, but shall not be less than fifty dollars per month. The maximum period for repayment shall be ten years, with payments of principal and interest accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study. Provisions for deferral of payment shall be determined by the board.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in an approved education program until the entire repayment obligation is satisfied. Should the participant cease to teach in an approved education program in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the higher education coordinating board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to classified employees and eligible students.

(7) ~~((The board shall temporarily or, in special circumstances, permanently defer the requirements of this section for eligible students as defined in RCW 28B.10.017.~~

~~(8))~~ (8) The board may cancel a recipient's repayment obligation due to the recipient's total and permanent disability or death, subject to documentation as required by the board.

~~((9))~~ (8) This section applies to recipients of conditional scholarships awarded before or after July 1, 1996.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.102 RCW to read as follows:

The future teachers conditional scholarship account is created in the custody of the state treasurer. All receipts from moneys appropriated from the legislature for the future teachers conditional scholarship program, private contributions to the program, and receipts from participant repayments must be deposited into the account. Expenditures from the account may be used only for conditional loans to participants and for the board's administrative costs associated with the awarding, tracking, and collection of the loans. Only the executive director of the higher education coordinating board or the executive director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. With the exception of operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

Sec. 8. RCW 43.79A.040 and 1999 c 384 s 8 and 1999 c 182 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The future teachers conditional scholarship account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility grant account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Correct the title.

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Referred to Committee on Appropriations.

February 25, 2000

SSB 6675 Prime Sponsor, Committee on Senate Energy, Technology & Telecommunications:
Allowing public utility districts and rural port districts to provide telecommunications services.
Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature makes the following findings:

(1) Access to telecommunications facilities and services is essential to the economic well-being of both rural and urban areas.

(2) Many persons and entities, particularly in rural areas, do not have adequate access to telecommunications facilities and services.

(3) Public utility districts and rural port districts may be well-positioned to construct and operate telecommunications facilities.

NEW SECTION. Sec. 2. A new section is added to chapter 54.16 RCW to read as follows:
The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Telecommunications" has the same meaning as that contained in RCW 80.04.010.

(3) "Telecommunications facilities" means lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property, and routes used, operated, owned, or controlled by any entity to facilitate the provision of telecommunications services.

(4) "Wholesale telecommunications services" means the provision of telecommunications services or facilities for resale by an entity authorized to provide telecommunications services to the general public.

NEW SECTION. Sec. 3. A new section is added to chapter 54.16 RCW to read as follows:

(1) A public utility district in existence on the effective date of this act may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's internal telecommunications needs;

(b) For the provision of wholesale telecommunications services within the district's limits, except for within cities having populations greater than seventy thousand as of the effective date of this act; and

(c) By contract with another public utility district, for the provision of wholesale telecommunications services within another public utility district's limits, except for within cities having populations greater than seventy thousand as of the effective date of this act.

Nothing in this subsection shall be construed to authorize public utility districts to provide telecommunications services to end users.

(2) A public utility district providing wholesale telecommunications services shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a public utility district offering rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a public utility district establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after the effective date of this act and used to finance the telecommunications facilities are discharged or retired.

(4) When a public utility district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A public utility district may not charge its nontelecommunications operations rates that

are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A public utility district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a public utility district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in this act limits any existing authority of a public utility district under this title.

NEW SECTION. Sec. 4. A new section is added to chapter 54.16 RCW to read as follows:

(1) Prior to financing or constructing telecommunications facilities for the provision of wholesale telecommunications services, a public utility district shall:

(a) Develop a written implementation plan stating the district's intent to provide wholesale telecommunications services which must include:

(i) A general description of how the district intends to engage in the provision of wholesale telecommunications services under section 3 of this act; and

(ii) A discussion of how the public interest shall be served by the provision of wholesale telecommunications services; and

(b) Present the implementation plan to the district's commission, and make the plan available to the general public. The commission shall conduct at least three public hearings throughout the district to take public comment on the implementation plan. At least two weeks prior to each public hearing, a notice that includes a general description of the implementation plan and the date and place of hearing shall be published in a newspaper of general circulation in the county in which the district is located.

(2) After the public hearings, the commission may adopt, alter, or reject the implementation plan by resolution. Within ninety days after the adoption of such resolution, a petition signed by at least ten percent of the registered voters in the district may be submitted to the commission requiring the subject of the resolution be put to a vote of the people in the district.

(3) If a petition meets the requirements of subsection (2) of this section, the commission shall submit the resolution to the legislative authority of the county in which the district is located. Upon receipt of the resolution, the legislative authority shall submit a proposal to the voters of the district at the next general election regarding the question of providing wholesale telecommunications services in the district in substantially the following terms:

Shall Public Utility District No. of County be authorized to provide wholesale telecommunications services within the boundaries of the district?

Yes . . .

No . . .

Within ten days after such an election, the election board of the county shall canvass the returns, and if at such an election a majority of voters voting on the proposition shall vote in favor of such authority, the district shall have the authority to provide wholesale telecommunications services.

(4) A public utility district providing wholesale telecommunications services shall submit a report to the appropriate committees of the legislature by December 1st of the second year of each biennium. The report must include, at a minimum, a description of the following activities:

(a) All activities relating to the construction, acquisition, operation, marketing, and leasing of telecommunications facilities and wholesale telecommunications services; and

(b) The number of new locations connected to the telecommunications facilities resulting from the provision of wholesale telecommunications services to enhanced service providers and entities authorized to provide telecommunications services to the general public.

NEW SECTION. Sec. 5. A new section is added to chapter 54.16 RCW to read as follows:

(1) A person or entity that has requested wholesale telecommunications services from a public utility district providing wholesale telecommunications services under this chapter may petition the

commission under the procedures set forth in RCW 80.04.110 (1) through (3) if it believes the district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential. The person or entity shall provide the public utility district notice of its intent to petition the commission and an opportunity to review within thirty days the rates, terms, and conditions as applied to it prior to submitting its petition. In determining whether a district is providing discriminatory or preferential rates, terms, and conditions, the commission may consider such matters as service quality, cost of service, technical feasibility of connection points on the district's facilities, time of response to service requests, system capacity, and other matters reasonably related to the provision of wholesale telecommunications services. If the commission, after notice and hearing, determines that a public utility district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, it shall issue a final order finding noncompliance with this section and setting forth the specific areas of apparent noncompliance. An order imposed under this section shall be enforceable in any court of competent jurisdiction.

(2) The commission may order a public utility district to pay a share of the costs incurred by the commission in connection with adjudicating or enforcing the provisions of this section.

(3) Without limiting other remedies at law or equity, the commission and prevailing party may also seek injunctive relief to compel compliance with an order.

(4) Nothing in this section shall be construed to affect the commission's authority and jurisdiction with respect to actions, proceedings, or orders permitted or contemplated for a state commission under the federal telecommunications act of 1996, P.L. 104-104 (110 Stat. 56).

NEW SECTION. **Sec. 6.** A new section is added to chapter 53.08 RCW to read as follows:
The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Rural port district" means a port district formed under chapter 53.04 RCW and located in a county with an average population density of fewer than one hundred persons per square mile.

(3) "Telecommunications" has the same meaning as contained in RCW 80.04.010.

(4) "Telecommunications facilities" means lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property, and routes used, operated, owned, or controlled by any entity to facilitate the provision of telecommunications services.

(5) "Wholesale telecommunications services" means the provision of telecommunications services or facilities for resale by an entity authorized to provide telecommunications services to the general public.

NEW SECTION. **Sec. 7.** A new section is added to chapter 53.08 RCW to read as follows:

(1) A rural port district in existence on the effective date of this act may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within the district's limits.

Nothing in this subsection shall be construed to authorize rural port districts to provide telecommunications services to end users.

(2) A rural port district providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a rural port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a rural port district establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and

expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after the effective date of this act and used to finance the telecommunications facilities are discharged or retired.

(4) When a rural port district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A rural port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A rural port district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a rural port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in this act limits any existing authority of a rural port district under this title.

NEW SECTION. Sec. 8. A new section is added to chapter 53.08 RCW to read as follows:

(1) Prior to financing or constructing telecommunications facilities for the provision of wholesale telecommunications services, a rural port district shall:

(a) Develop a written implementation plan stating the district's intent to provide wholesale telecommunications services which must include:

(i) A general description of how the district intends to engage in the provision of wholesale telecommunications services under section 7 of this act; and

(ii) A discussion of how the public interest shall be served by the provision of wholesale telecommunications services; and

(b) Present the implementation plan to the district's commission, and make the plan available to the general public. The commission shall conduct at least three public hearings throughout the district to take public comment on the implementation plan. At least two weeks prior to each public hearing, a notice that includes a general description of the implementation plan and the date and place of hearing shall be published in a newspaper of general circulation in the county in which the district is located.

(2) After the public hearings, the commission may adopt, alter, or reject the implementation plan by resolution. Within ninety days after adoption of such resolution, a petition signed by at least ten percent of the registered voters in the district may be submitted to the commission requiring the subject of the resolution be put to a vote of the people in the district.

(3) If a petition meets the requirements of subsection (2) of this section, the commission shall submit the resolution to the legislative authority of the county in which the district is located. Upon receipt of the resolution, the legislative authority shall submit a proposal to the voters of the district at the next general election regarding the question of providing wholesale telecommunications services in the district in substantially the following terms:

Shall Port District No. of County be authorized to provide wholesale telecommunications services within the boundaries of the district?

Yes . . .

No . . .

Within ten days after such an election, the election board of the county shall canvass the returns, and if at such an election a majority of voters voting on the proposition shall vote in favor of such authority, the district shall have the authority to provide wholesale telecommunications services.

(4) A rural port district providing wholesale telecommunications services shall submit a report to the appropriate committees of the legislature by December 1st of the second year of each biennium. The report must include, at a minimum, a description of the following activities:

(a) All activities relating to the construction, acquisition, operation, marketing, and leasing of telecommunications facilities and wholesale telecommunications services; and

(b) The number of new locations connected to the telecommunications facilities resulting from the provision of wholesale telecommunications services to enhanced service providers and entities authorized to provide telecommunications services to the general public.

NEW SECTION. Sec. 9. A new section is added to chapter 53.08 RCW to read as follows:

(1) A person or entity that has requested wholesale telecommunications services from a rural port district may petition the commission under the procedures set forth in RCW 80.04.110 (1) through (3) if it believes the district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential. The person or entity shall provide the district notice of its intent to petition the commission and an opportunity to review within thirty days the rates, terms, and conditions as applied to it prior to submitting its petition. In determining whether a district is providing discriminatory or preferential rates, terms, and conditions, the commission may consider such matters as service quality, technical feasibility of connection points on the district's telecommunications facilities, time of response to service requests, system capacity, and other matters reasonably related to the provision of wholesale telecommunications services. If the commission, after notice and hearing, determines that a rural port district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, it shall issue a final order finding noncompliance with this section and setting forth the specific areas of apparent noncompliance. An order imposed under this section shall be enforceable in any court of competent jurisdiction.

(2) The commission may order a rural port district to pay a share of the costs incurred by the commission in adjudicating or enforcing this section.

(3) Without limiting other remedies at law or equity, the commission and prevailing party may also seek injunctive relief to compel compliance with an order.

(4) Nothing in this section shall be construed to affect the commission's authority and jurisdiction with respect to actions, proceedings, or orders permitted or contemplated for a state commission under the federal telecommunications act of 1996, P.L. 104-104 (110 Stat. 56).

NEW SECTION. Sec. 10. A new section is added to chapter 80.01 RCW to read as follows: The commission is authorized to perform the duties required by sections 5 and 9 of this act."

Correct the title.

Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Delvin; Kastama; McDonald; Morris and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper; Reardon and Thomas.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Delvin, Kastama, McDonald, Mielke, Morris and Wolfe.

Voting nay: Representatives Cooper, Reardon and Thomas.

Passed to Rules Committee for Second Reading.

February 25, 2000

ESSB 6676 Prime Sponsor, Committee on Senate Energy, Technology & Telecommunications:
Concerning the use of public rights of way in cities and towns. Reported by Committee on
Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cable television service" means the one-way transmission to subscribers of video programming and other programming service and subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service.

(2) "Facilities" means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communication and signal lines and equipment, braces, guys, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of telecommunications services and cable television services.

(3) "Master permit" means the agreement in whatever form whereby a city or town may grant general permission to a service provider to enter, use, and occupy the right of way for the purpose of locating facilities. This definition is not intended to limit, alter, or change the extent of the existing authority of a city or town to require a franchise nor does it change the status of a service provider with an existing state-wide grant based on a predecessor telephone or telegraph company's existence at the time of the adoption of the Washington state Constitution to occupy the right of way. For the purposes of this subsection, a franchise, except for a cable television franchise, is a master permit. A master permit does not include cable television franchises.

(4) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(5) "Right of way" means land acquired or dedicated for public roads and streets, but does not include:

- (a) State highways;
- (b) Land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public;
- (c) Structures, including poles and conduits, located within the right of way;
- (d) Federally granted trust lands or forest board trust lands;
- (e) Lands owned or managed by the state parks and recreation commission; or
- (f) Federally granted railroad rights of way acquired under 43 U.S.C. Sec. 912 and related provisions of federal law that are not open for motor vehicle use.

(6) "Service provider" means every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating, or managing any facilities used to provide and providing telecommunications or cable television service for hire, sale, or resale to the general public. Service provider includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, person, city, or town.

(7) "Telecommunications service" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.

(8) "Use permit" means the authorization in whatever form whereby a city or town may grant permission to a service provider to enter and use the specified right of way for the purpose of installing, maintaining, repairing, or removing identified facilities.

NEW SECTION. Sec. 2. A city or town may grant, issue, or deny permits for the use of the right of way by a service provider for installing, maintaining, repairing, or removing facilities for telecommunications services or cable television services pursuant to ordinances, consistent with this act.

NEW SECTION. Sec. 3. (1) Cities and towns may require a service provider to obtain a master permit. A city or town may request, but not require, that a service provider with an existing state-wide grant to occupy the right of way obtain a master permit for wireline facilities.

(a) The procedures for the approval of a master permit and the requirements for a complete application for a master permit shall be available in written form. Proprietary information exempt from disclosure under RCW 42.17.310 shall not be required for a master permit.

(b) Where a city or town requires a master permit, the city or town shall act upon a complete application within one hundred twenty days from the date a service provider files the complete application for the master permit to use the right of way, except:

(i) With the agreement of the applicant; or

(ii) Where the master permit requires action of the legislative body of the city or town and such action cannot reasonably be obtained within the one hundred twenty day period.

(2) A city or town may require that a service provider obtain a use permit. A city or town must act on a request for a use permit by a service provider within thirty days of receipt of a completed application, unless a service provider consents to a different time period or the service provider has not obtained a master permit requested by the city or town.

(a) For the purpose of this section, "act" means that the city makes the decision to grant, condition, or deny the use permit, which may be subject to administrative appeal, or notifies the applicant in writing of the amount of time that will be required to make the decision and the reasons for this time period.

(b) Requirements otherwise applicable to holders of master permits shall be deemed satisfied by a holder of a cable franchise in good standing.

(c) Where the master permit does not contain procedures to expedite approvals and the service provider requires action in less than thirty days, the service provider shall advise the city or town in writing of the reasons why a shortened time period is necessary and the time period within which action by the city or town is requested. The city or town shall reasonably cooperate to meet the request where practicable.

(d) A city or town may not deny a use permit to a service provider with an existing state-wide grant to occupy the right of way for wireline facilities on the basis of failure to obtain a master permit.

(3) The reasons for a denial of a master permit shall be supported by substantial evidence contained in a written record. A service provider adversely affected by the final action denying a master permit, or by an unreasonable failure to act on a master permit as set forth in subsection (1) of this section, may commence an action within thirty days to seek relief, which shall be limited to injunctive relief.

(4) A service provider adversely affected by the final action denying a use permit may commence an action within thirty days to seek relief, which shall be limited to injunctive relief. In any appeal of the final action denying a use permit, the standard for review and burden of proof shall be as set forth in RCW 36.70C.130.

(5) A city or town shall:

(a) In order to facilitate the scheduling and coordination of work in the right of way, provide as much advance notice as reasonable of plans to open the right of way to those service providers who are current users of the right of way or who have filed notice with the clerk of the city or town within the past twelve months of their intent to place facilities in the city or town. A city is not liable for damages for failure to provide this notice. Where the city has failed to provide notice of plans to open the right of way consistent with this subsection, a city may not deny a use permit to a service provider on the basis that the service provider failed to coordinate with another project. To carry out this provision, the city or town may establish a procedure for the filing of advance plans by service providers and other users of the right of way.

(b) Have the authority to require that facilities are installed and maintained within the right of way in such a manner and at such points so as not to inconvenience the public use of the right of way or to adversely affect the public, health, safety, and welfare.

(c) Use any proprietary information provided and so designated by a service provider solely for the purposes that qualify the information as exempt from disclosure under this section and chapter 42.17 RCW. Information regarding the location of existing facilities and information provided as part of an application for a use permit may not be deemed proprietary and shall be public.

(6) A service provider shall:

(a) Obtain all permits required by the city or town for the installation, maintenance, repair, or removal of facilities in the right of way;

(b) Comply with applicable ordinances, construction codes, regulations, and standards subject to verification by the city or town of such compliance;

(c) Cooperate with the city or town in ensuring that facilities are installed, maintained, repaired, and removed within the right of way in such a manner and at such points so as not to inconvenience the public use of the right of way or to adversely affect the public health, safety, and welfare;

(d) Provide information and plans as reasonably necessary to enable a city or town to comply with subsection (5) of this section, including, when notified by the city or town, the provision of advance planning information pursuant to the procedures established by the city or town;

(e) Obtain the written approval of the facility or structure owner, if the service provider does not own it, prior to attaching to or otherwise using a facility or structure in the right of way;

(f) Construct, install, operate, and maintain its facilities at its expense; and

(g) Comply with applicable federal and state safety laws and standards.

(7) Nothing in this section shall be construed as:

(a) Creating a new duty upon city or towns to be responsible for construction of facilities for service providers or to modify the right of way to accommodate such facilities;

(b) Creating, expanding, or extending any liability of a city or town to any third-party user of facilities or third-party beneficiary; or

(c) Limiting the right of a city or town to require an indemnification agreement as a condition of a service provider's facilities occupying the right of way.

(8) Nothing in this section creates, modifies, expands, or diminishes a priority of use of the right of way by a service provider or other utility, either in relation to other service providers or in relation to other users of the right of way for other purposes.

NEW SECTION. **Sec. 4.** (1) A city or town shall not adopt or enforce regulations or ordinances specifically relating to use of the right of way by a service provider that:

(a) Impose requirements that regulate the services or business operations of the service provider, except where otherwise authorized in state or federal law;

(b) Conflict with federal or state laws, rules, or regulations that specifically apply to the design, construction, and operation of facilities or with federal or state worker safety or public safety laws, rules, or regulations;

(c) Regulate the services provided based upon the content or kind of signals that are carried or are capable of being carried over the facilities, except where otherwise authorized in state or federal law; or

(d) Unreasonably deny the use of the right of way by a service provider for installing, maintaining, repairing, or removing facilities for telecommunications services or cable television services.

(2) Nothing in this chapter, including but not limited to the provisions of subsection (1)(d) of this section, limits the authority of a city or town to regulate the placement of facilities through its local zoning or police power, if the regulations do not otherwise:

(a) Prohibit the placement of all wireless or of all wireline facilities within the city or town, or prohibit the placement of all wireless or of all wireline facilities within city or town rights of way; or

(b) Violate section 253 of the telecommunications act of 1996, P.L. 104-104 (110 Stat. 56).

(3) This section does not amend, limit, repeal, or otherwise modify the authority of cities or towns to regulate cable television services pursuant to federal law.

NEW SECTION. Sec. 5. (1) A city or town shall not place or extend a moratorium on the acceptance and processing of applications, permitting, construction, maintenance, repair, replacement, extension, operation, or use of any facilities for personal wireless services, except as consistent with the guidelines for facilities siting implementation, as agreed to on August 5, 1998, by the federal communications commission's local and state government advisory committee, the cellular telecommunications industry association, the personal communications industry association, and the American mobile telecommunications association. Any city or town implementing such a moratorium shall, at the request of a service provider impacted by the moratorium, participate with the service provider in the informal dispute resolution process included with the guidelines for facilities siting implementation.

NEW SECTION. Sec. 6. (1) Cities and towns may require service providers to relocate authorized facilities within the right of way when reasonably necessary for construction, alteration, repair, or improvement of the right of way for purposes of public welfare, health, or safety.

(2) Cities shall notify service providers as soon as practicable of the need for relocation and shall specify the date by which relocation shall be completed. In calculating the date that relocation must be completed, cities shall consult with affected service providers and consider the extent of facilities to be relocated, the services requirements, and the construction sequence for the relocation, within the city's overall project construction sequence and constraints, to safely complete the relocation. Service providers shall complete the relocation by the date specified, unless the city, or a reviewing court, establishes a later date for completion, after a showing by the service provider that the relocation cannot be completed by the date specified using best efforts and meeting safety and service requirements.

(3) Service providers may not seek reimbursement for their relocation expenses from the city or town requesting relocation under subsection (1) of this section except:

(a) Where the service provider had paid for the relocation cost of the same facilities at the request of the city or town within the past five years, the service provider's share of the cost of relocation will be paid by the city or town requesting relocation;

(b) Where aerial to underground relocation of authorized facilities is required by the city or town under subsection (1) of this section, for service providers with an ownership share of the aerial supporting structures, the additional incremental cost of underground compared to aerial relocation, or as provided for in the approved tariff if less, will be paid by the city or town requiring relocation; and

(c) Where the city or town requests relocation under subsection (1) of this section solely for aesthetic purposes, unless otherwise agreed to by the parties.

(4) Where a project in subsection (1) of this section is primarily for private benefit, the private party or parties shall reimburse the cost of relocation in the same proportion to their contribution to the costs of the project. Service providers will not be precluded from recovering their costs associated with relocation required under subsection (1) of this section, provided that the recovery is consistent with subsection (3) of this section and other applicable laws.

(5) A city or town may require the relocation of facilities at the service provider's expense in the event of an unforeseen emergency that creates an immediate threat to the public safety, health, or welfare.

NEW SECTION. Sec. 7. A city or town may require that a service provider that is constructing, relocating, or placing ducts or conduits in public rights of way provide the city or town with additional duct or conduit and related structures necessary to access the conduit, provided that:

(1) The city or town enters into a contract with the service provider consistent with RCW 80.36.150. The contract rates to be charged should recover the incremental costs of the service provider. If the city or town makes the additional duct or conduit and related access structures available to any other entity for the purposes of providing telecommunications or cable television service for hire, sale, or resale to the general public, the rates to be charged, as set forth in the contract

with the entity that constructed the conduit or duct, shall recover at least the fully allocated costs of the service provider. The service provider shall state both contract rates in the contract. The city or town shall inform the service provider of the use, and any change in use, of the requested duct or conduit and related access structures to determine the applicable rate to be paid by the city or town.

(2) Except as otherwise agreed by the service provider and the city or town, the city or town shall agree that the requested additional duct or conduit space and related access structures will not be used by the city or town to provide telecommunications or cable television service for hire, sale, or resale to the general public.

(3) The city or town shall not require that the additional duct or conduit space be connected to the access structures and vaults of the service provider.

(4) The value of the additional duct or conduit requested by a city or town shall not be considered a public works construction contract.

(5) This section shall not affect the provision of an institutional network by a cable television provider under federal law.

Sec. 8. RCW 35.21.860 and 1983 2nd ex.s. c 3 s 39 are each amended to read as follows:

(1) No city or town may impose a franchise fee or any other fee or charge of whatever nature or description upon the light and power, or gas distribution businesses, as defined in RCW 82.16.010, or telephone business, as defined in RCW 82.04.065, or service provider for use of the right of way, except ~~((that))~~:

(a) A tax authorized by RCW 35.21.865 may be imposed ~~((and))~~ on a light and power or gas distribution business;

(b) A fee may be charged to such businesses or service providers that recovers actual administrative expenses incurred by a city or town that are directly related to receiving and approving a permit, license, and franchise, to inspecting plans and construction, or to the preparation of a detailed statement pursuant to chapter 43.21C RCW;

(c) Taxes permitted by state law on service providers;

(d) Franchise requirements and fees for cable television services as allowed by federal law; and

(e) A site-specific charge pursuant to an agreement between the city or town and a service provider of personal wireless services acceptable to the parties for:

(i) The placement of new structures in the right of way regardless of height, unless the new structure is the result of a mandated relocation in which case no charge will be imposed if the previous location was not charged;

(ii) The placement of replacement structures when the replacement is necessary for the installation or attachment of wireless facilities, and the overall height of the replacement structure and the wireless facility is more than sixty feet; or

(iii) The placement of personal wireless facilities on structures owned by the city or town located in the right of way. However, a site-specific charge shall not apply to the placement of personal wireless facilities on existing structures, unless the structure is owned by the city or town.

A city or town is not required to approve the use permit for the placement of a facility for personal wireless services that meets one of the criteria in this subsection absent such an agreement. If the parties are unable to agree on the amount of the charge, the service provider may submit the amount of the charge to binding arbitration by serving notice on the city or town. Within thirty days of receipt of the initial notice, each party shall furnish a list of acceptable arbitrators. The parties shall select an arbitrator; failing to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. The arbitrator or arbitrators shall determine the charge based on comparable siting agreements involving public land and rights of way. The arbitrator or arbitrators shall not decide any other disputed issues, including but not limited to size, location, and zoning requirements. Costs of the arbitration, including compensation for the arbitrator's services, must be borne equally by the parties participating in the arbitration and each party shall bear its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding.

(2) Subsection (1) of this section does not prohibit franchise fees imposed on an electrical energy, natural gas, or telephone business, by contract existing on April 20, 1982, with a city or town,

for the duration of the contract, but the franchise fees shall be considered taxes for the purposes of the limitations established in RCW 35.21.865 and 35.21.870 to the extent the fees exceed the costs allowable under subsection (1) of this section.

NEW SECTION. Sec. 9. This act shall not preempt specific provisions in existing franchises or contracts between cities or towns and service providers.

NEW SECTION. Sec. 10. A new section is added to chapter 35A.21 RCW to read as follows:

Each code city is subject to the requirements and restrictions regarding facilities and rights of way under this chapter.

Sec. 11. RCW 42.17.310 and 1999 c 326 s 3, 1999 c 290 s 1, and 1999 c 215 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW ((18.130.140)) 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Proprietary designs, proprietary drawings, proprietary maps, and other proprietary information regarding existing or planned facilities that are provided by a service provider to a city, town, or code city that the service provider specifically identifies at the time it is submitted and that is provided to the city or town to meet a request by a city or town for advance planning information for purposes of planning for, scheduling, and coordinating work in the right of way under chapter 35.-- RCW (sections 1 through 7 and 9 of this act). The location of existing facilities may not be deemed proprietary and shall be public. Designs, drawings, and maps submitted as part of a use permit application may not be deemed proprietary and shall be public. If a request for information identified as proprietary is received, the service provider must be notified of the request. Within ten business days of receipt of the notice, the service provider shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such a notice, the city or town shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the service provider must be joined as a party to demonstrate the continuing need for confidentiality and the city or town is exempt from any liability under RCW 42.17.340 for failure to disclose proprietary information.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 12. Sections 1 through 7 and 9 of this act constitute a new chapter in Title 35 RCW."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 35.21.860; reenacting and amending RCW 42.17.310; adding a new section to chapter 35A.21 RCW; and adding a new chapter to Title 35 RCW."

Signed by Representatives Crouse, Republican Co-Chair; Poulsen, Democratic Co-Chair; DeBolt, Republican Vice Chair; Ruderman, Democratic Vice Chair; Bush; Cooper; Delvin; Kastama; McDonald; Mielke; Morris; Reardon; Thomas and Wolfe.

Voting yea: Representatives Crouse, Poulsen, DeBolt, Ruderman, Bush, Cooper, Delvin, Kastama, McDonald, Mielke, Morris, Reardon, Thomas and Wolfe.

Passed to Rules Committee for Second Reading.

February 23, 2000

SB 6678 Prime Sponsor, Senator Rasmussen: Repealing parimutuel wagering sunset provisions.
Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; McIntire and McMorris.

Voting yea: Representatives Clements, Conway, B. Chandler, Wood, Hurst, McIntire and McMorris.

Excused: Representative Lisk.

Passed to Rules Committee for Second Reading.

February 23, 2000

E2SSB 6683 Prime Sponsor, Committee on Senate Transportation: Reporting information on routine traffic enforcement. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; G. Chandler; DeBolt; Fortunato; Haigh; Lovick; Mielke; Murray; Ogden; Pflug; Radcliff; Romero; Schual-Berke; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Murray, Ogden, Pflug, Radcliff, Schindler, Schual-Berke, Scott, Skinner and Woods.

Excused: Representatives Buck, Morris, Romero and Wood.

Passed to Rules Committee for Second Reading.

February 24, 2000

SSB 6687 Prime Sponsor, Committee on Senate Commerce, Trade, Housing & Financing: Allowing port districts to acquire insurance coverage. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 25, 2000

ESSB 6715 Prime Sponsor, Committee on Senate Environmental Quality & Water Resources:
Encouraging recycling and waste reduction. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of general administration shall work with commercial and industrial construction industry organizations to develop guidelines for implementing on-site construction waste management planning. The topics addressed in the guidelines shall include, but shall not be limited to:

- (a) Standards for identifying the type of wastes generated during construction;
- (b) Methods for analyzing the availability and cost-effectiveness of recycling services for each type of waste;
- (c) Methods for evaluating construction waste management alternatives given limited recycling services in rural areas of the state;
- (d) Strategies to maximize reuse and recycling of wastes and minimize landfill disposal;
- (e) Standardized formats for on-site construction waste management planning and reporting documents; and
- (f) A training and technical assistance plan for public and private building owners and construction industry members, in order to facilitate incorporation of waste management planning and recycling into standard construction industry practice.

(2) By December 15, 2000, the department of general administration shall provide a report to the legislature on the development of the guidelines required by subsection (1) of this section. The report shall include recommendations for incorporating job-site waste management planning and recycling into standard construction industry practice.

NEW SECTION. Sec. 2. A new section is added to chapter 81.77 RCW to read as follows:

(1) In order to provide an incentive for recycling, the commission shall allow a solid waste collection company collecting recyclable materials from residential customers to retain thirty percent of the revenue paid to the companies for the material. The remaining seventy percent of the revenue shall be passed to residential customers served by the company. Failure to provide documentation of increased recycling will cause the entire revenue stream to be passed to residential customers served by the company. The following documents are required:

- (a) A plan submitted to the commission that is consistent with the comprehensive solid waste plan and showing how the company plans to increase recycling; and
- (b) A yearly report showing that the plan has been successful at increasing recycling, as demonstrated by actual recycling tonnage increases, or by decreases in landfill disposal, or by other methods as agreed to by the local jurisdiction.

(2) By December 1, 2003, the commission shall provide a report to the legislature that evaluates:

- (a) The effectiveness of revenue sharing as an incentive to increase recycling in the state; and
 - (b) The effect of revenue sharing on costs to customers.
- (3) This section expires December 31, 2006.

Sec. 3. RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read as follows:

(1) The USEPA product standards, as now or hereafter amended, are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in (a) and (b) of this subsection by the dates indicated, unless the director finds that a different standard would significantly increase recycled product availability or competition.

(a) By July 1, 1997:

- (i) Paper and paper products;
- (ii) Organic recovered materials; and
- (iii) Latex paint products;

(b) By July 1, 1997:

- (i) Products for lower value uses containing recycled plastics;
- (ii) Retread and remanufactured tires;

- (iii) Lubricating oils;
- (iv) Automotive batteries;
- (v) Building (~~(insulation)~~) products and materials;
- (vi) Panelboard; and
- (vii) Compost products.

(2) By July 1, 2001, the director shall adopt product standards for strawboard that has, as an ingredient, straw that is a byproduct of the production of cereal grains or turf or grass seed.

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

Sec. 4. RCW 39.04.133 and 1996 c 198 s 5 are each amended to read as follows:

(1) The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.

(2) ~~((Specifications for materials in state construction projects shall include the use of recycled content products and recyclable products whenever practicable))~~ If a construction project receives state public funding, the product standards, as provided in RCW 43.19A.020, shall apply to the materials used in the project, whenever the administering agency and project owner determine that such products would be cost-effective and are readily available.

(3) This section does not apply to contracts entered into by a municipality.

Sec. 5. RCW 70.95.010 and 1989 c 431 s 1 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It ~~((is the responsibility))~~ should be the goal of every person to minimize his or her production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

- (a) Waste reduction;
- (b) Recycling, with source separation of recyclable materials as the preferred method;
- (c) Energy recovery, incineration, or landfill of separated waste;
- (d) Energy recovery, incineration, or landfilling of mixed wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by ~~((1995))~~ 2005.

(10) It is the state's goal that programs be established to eliminate residential or commercial yard debris in landfills by 2010.

~~((11))~~ (11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

~~((12))~~ (12) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

~~((13))~~ (13) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

~~((14))~~ (14) Excessive and nonrecyclable packaging of products should be avoided.

~~((15))~~ (15) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

~~((16))~~ (16) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

~~((17))~~ (17) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

~~((18))~~ (18) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

~~((19))~~ (19) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

~~((20))~~ (20) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded tires and other problem wastes with the subsequent conservation of resources and energy.

Sec. 6. RCW 70.95.030 and 1998 c 36 s 17 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

- (1) "City" means every incorporated city and town.
- (2) "Commission" means the utilities and transportation commission.
- (3) "Committee" means the state solid waste advisory committee.
- (4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

- (5) "Department" means the department of ecology.
- (6) "Director" means the director of the department of ecology.
- (7) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.
- (8) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.
- (9) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.
- (10) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.
- (11) "Jurisdictional health department" means city, county, city-county, or district public health department.
- (12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.
- (13) "Local government" means a city, town, or county.
- (14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.
- (15) "Multiple family residence" means any structure housing two or more dwelling units.
- (16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- (17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.
- (18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.
- (19) "Residence" means the regular dwelling place of an individual or individuals.
- (20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.
- (21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.
- (22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.
- (23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.
- (24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.
- (25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in RCW 70.95.030, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

Sec. 7. RCW 70.95.090 and 1991 c 298 s 3 are each amended to read as follows:

Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by the franchise;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(7) The waste reduction and recycling element shall include the following:

(a) Waste reduction strategies;

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from single and multiple family residences, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal

site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(ii) Programs to monitor the collection of source separated waste at nonresidential sites where there is sufficient density to sustain a program;

(iii) Programs to collect yard waste, if the county or city submitting the plan finds that there are adequate markets or capacity for composted yard waste within or near the service area to consume the majority of the material collected; and

(iv) Programs to educate and promote the concepts of waste reduction and recycling;

(c) Recycling strategies, including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services;

(d) Consideration of residential collection rate structures that provide economic incentives for customers to reduce their level of solid waste collection service and increase their participation in waste reduction, recycling, and yard waste collection programs. Any jurisdiction that is a signatory to a comprehensive solid waste plan that adopts residential incentive rates shall adopt ordinances to implement rate structures that are consistent with the guidelines in the comprehensive plans. The utilities and transportation commission is authorized to issue rules to implement this section for solid waste companies regulated under Title 81 RCW; and

(e) Other information the county or city submitting the plan determines is necessary.

(8) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

(9) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

Sec. 8. RCW 70.95.290 and 1988 c 184 s 3 are each amended to read as follows:

(1) The evaluation of the solid waste stream required in RCW 70.95.280 shall include the following elements:

(a) The department shall determine which management method for each category of solid waste will have the least environmental impact; and

(b) The department shall evaluate the costs of various management options for each category of solid waste, including a review of market availability, and shall take into consideration the economic impact on affected parties;

(c) Based on the results of (a) and (b) of this subsection, the department shall determine the best management for each category of solid waste. Different management methods for the same categories of waste may be developed for different parts of the state.

(2) The department shall give priority to evaluating categories of solid waste that, in relation to other categories of solid waste, comprise a large volume of the solid waste stream or present a high potential of harm to human health. At a minimum the following categories of waste shall be evaluated:

(a) By January 1, 1989, yard waste and other biodegradable materials, paper products, disposable diapers, and batteries; ~~(and)~~

(b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid lightweight cellular polystyrene, and tires; and

(c) By January 1, 2002, construction, demolition, and land-clearing debris, manure, and major food-processing wastes.

Sec. 9. RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to read as follows:

The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

- (2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;
- (3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;
- (4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;
- (5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;
- (6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;
- (7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;
- (8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;
- (9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;
- (10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;
- (11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;
- (12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;
- (13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;
- (14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;
- (15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;
- (16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;
- (17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;
- (18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;
- (19) Resolution of all other purchasing and material matters which require the establishment of overall state-wide policy for effective and economical supply management;
- (20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002);
- (21) Development of goals for state use of recycled and environmentally preferable products through specifications for products and services, processes for requests for proposals and requests for qualifications, contractor selection, and contract negotiations."

Correct the title.

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 25, 2000

E2SSB 6731 Prime Sponsor, Committee on Senate Ways & Means: Creating a Lake Whatcom landscape plan. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The Lake Whatcom landscape management pilot project is created.

The department of natural resources shall develop a landscape plan regarding state-owned forest lands in the Lake Whatcom watershed area. Where appropriate, the department will consult with other major forest landowners in the watershed and shall involve watershed residents in management activities. The department shall consult with the Lake Whatcom management committee on proposed timber harvest and road management activities. The department shall establish an interjurisdictional committee for the development of the landscape plan, to review the site-specific activities and make recommendations. The interjurisdictional committee shall include two members of the public who have an interest in these activities. The landscape plan shall address at least the following topics:

(1) Establishing riparian management zones along all streams, as classified under chapter 4, Laws of 1999 sp. sess. The department shall manage lands within such zones to protect water quality and riparian habitat. The interjurisdictional committee may recommend to the department restrictions upon timber harvest and yarding activities on a case-by-case basis;

(2) Harvest and road construction upon potentially unstable slopes shall be carefully regulated;

(3) On unstable slopes, new road construction shall be prohibited and old road reconstruction shall be limited;

(4) A sustained yield model specific to the Lake Whatcom watershed that encompasses the revised management standards and that is consistent with the sustained yield established by the board of natural resources shall be created and implemented;

(5) The department should build on the existing draft Lake Whatcom landscape plan and incorporate both new information from the community and new scientific information when available; and

(6) The development of a road management plan for the watershed.

The landscape plan shall be completed and implementation initiated by June 30, 2001. Timber harvest and all road construction in the watershed on state land shall be delayed until the plan is completed."

Correct the title.

Signed by Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

Voting yea: Representatives Buck, Regala, Anderson, Sump, G. Chandler, Clements, Doumit, Eickmeyer, Ericksen, Pennington, Rockefeller and Stensen.

Referred to Committee on Appropriations.

February 24, 2000

ESSB 6732 Prime Sponsor, Committee on Senate State & Local Government: Clarifying the definition of "tourism-related facility." Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 22, 2000

SB 6741 Prime Sponsor, Senator Horn: Adding the secretary of corrections to the organized crime advisory board. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 24, 2000

SB 6748 Prime Sponsor, Senator Sellar: Increasing local government debt limits to finance capital facilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Doumit, Democratic Vice Chair; Mielke, Republican Vice Chair; Edwards; Ericksen; Fisher and Fortunato.

Voting yea: Representatives Mulliken, Scott, Doumit, Mielke, Edwards, Ericksen, Fisher and Fortunato.

Passed to Rules Committee for Second Reading.

February 25, 2000

SB 6760 Prime Sponsor, Senator Prentice: Safeguarding securities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Benson, Republican Co-Chair; Hatfield, Democratic Co-Chair; Bush, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean; Cairnes; DeBolt; Keiser; Quall; Santos; Sullivan and Talcott.

Voting yea: Representatives Benson, Hatfield, Bush, McIntire, Barlean, Cairnes, DeBolt, Keiser, Quall, Santos, Sullivan and Talcott.

Passed to Rules Committee for Second Reading.

February 22, 2000

ESSB 6761 Prime Sponsor, Committee on Senate Human Services & Corrections: Authorizing agreements for the operation of correctional facilities and programs in any other state. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Passed to Rules Committee for Second Reading.

February 23, 2000

SB 6770 Prime Sponsor, Senator Kohl-Welles: Allowing exceptional faculty awards to be used for faculty development and in-service training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

February 25, 2000

SSB 6781 Prime Sponsor, Committee on Senate Agriculture & Rural Economic Development: Modifying provisions concerning the management of dairy nutrients. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.64 RCW to read as follows:
(1) A dairy nutrient management task force is created that shall be comprised of no more than fifteen members, who are appointed as follows:
(a) Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives;

- (b) Two members of the senate, one from each major caucus, appointed by the president of the senate;
- (c) A representative of the department of ecology, appointed by the director of ecology;
- (d) A representative of the state conservation commission, appointed by its executive secretary;
- (e) A representative of local conservation districts, appointed by the president of a state-wide association of conservation districts;
- (f) A representative of local health departments, appointed by the Washington state association of local public health officials;
- (g) A representative of commercial shellfish growers, appointed by a state-wide organization representing oyster growers;
- (h) Three active dairy farmers, appointed by a state-wide organization representing dairy farmers in the state, who shall be from different regions and different sizes of dairy operations;
- (i) A representative of an environmental interest organization with familiarity and expertise in water quality issues, appointed by agreement of the co-speakers of the house of representatives and the president of the senate;
- (j) A representative of the United States environmental protection agency, appointed by the regional director of the agency if the agency chooses to be represented on the task force; and
- (k) A representative of the United States natural resources conservation service, appointed by the state conservationist of that agency for this state, if the agency chooses to be represented on the task force.

(2) The task force shall convene as soon as possible upon appointment of its members. The task force shall elect a chair and adopt rules for conducting the business of the task force. Staff support for the task force shall be provided by the Washington state conservation commission.

(3) This section expires June 30, 2004.

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.64 RCW to read as follows:

(1) By December 31, 2000, the task force shall recommend to the department and to the legislature:

- (a) Clarification of key terms and phrases such as, but not limited to, "potential to pollute," that are used in the administration of this chapter and other statutes on water quality;
- (b) How frequently dairy nutrient management plans should be updated, considering the evolution of technical standards developed by the natural resources conservation service;
- (c) Considering the report under section 3 of this act, the disposition of penalties collected from dairy producers under chapter 90.48 RCW;
- (d) Considering the report under section 4 of this act, recommended sources of funding to meet the needs identified in the report;
- (e) The extent to which engineering expertise is required to implement the provisions of this chapter;
- (f) How to address responsibility for contamination originating from neighboring farms; and
- (g) Clarification of the duties of the department as they pertain to initial inspections of dairy farms.

(2) The task force shall make recommendations to the department and to the legislature on any other issues, and at such times, as the task force deems important to the successful implementation of this chapter.

(3) This section expires June 30, 2004.

NEW SECTION. **Sec. 3.** (1) By September 1, 2000, the department of ecology shall report to the dairy nutrient management task force on the penalties assessed on dairy producers for violations of chapters 90.48 and 90.64 RCW since January 1, 1998. The report shall indicate the amount of money from these penalties that was deposited into the coastal protection fund created under RCW 90.48.390 and the amount deposited into the dairy waste management account created under RCW 90.64.150. The report shall also indicate the purposes for which moneys reported under this section were expended.

(2) This section expires December 31, 2000.

NEW SECTION. **Sec. 4.** (1) By September 1, 2000, the office of financial management shall make recommendations to the dairy nutrient management task force on how to provide adequate funding for the dairy nutrient management program. The recommendations shall include an identification of need, if any, for additional funding for each of the following purposes:

(a) To perform functions required by conservation districts and the state conservation commission;

(b) To provide technical assistance for development of dairy nutrient management plans; and

(c) For cost-share moneys for implementation of the plans based on fifty percent of the eligible costs to be derived from public sources. The recommendations shall be for the amount of funding for these purposes that is required each fiscal year through June 30, 2004, in order to meet the deadlines established in chapter 90.64 RCW.

(2) The office of financial management shall submit its written recommendations to the co-chief clerks of the house of representatives and the secretary of the senate.

(3) This section expires December 31, 2000."

Correct the title.

Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 24, 2000

SJM 8019 Prime Sponsor, Senator Eide: Petitioning Congress to consider formula grants for gifted and talented education programs in its reauthorization of the Elementary and Secondary Education Act. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Thomas and Wensman.

Voting yea: Representatives Quall, Talcott, Haigh, Schindler, Carlson, Cox, Keiser, Rockefeller, Santos, Schmidt, Schual-Berke, Stensen, Thomas and Wensman.

Passed to Rules Committee for Second Reading.

February 24, 2000

SJM 8020 Prime Sponsor, Senator Loveland: Requesting full funding for a vitrification treatment plant at the Hanford site. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Reardon; Schoesler; Stensen; Sump and Wood.

Voting yea: Representatives G. Chandler, Linville, Cooper, Koster, Anderson, B. Chandler, Delvin, Fortunato, Grant, Reardon, Schoesler, Stensen, Sump and Wood.

Passed to Rules Committee for Second Reading.

February 22, 2000

SJM 8022 Prime Sponsor, Senator Rasmussen: Recognizing America's World War II veterans.
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 25, 2000

ESSCR 8418 Prime Sponsor, Committee on Senate Judiciary: Reviewing state sentencing policy.
Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Voting yea: Representatives Ballasiotes, O'Brien, Cairnes, Lovick, B. Chandler, Constantine, Kagi and Koster.

Referred to Committee on Appropriations.

February 25, 2000

ESSCR 8422 Prime Sponsor, Committee on Senate Judiciary: Creating a committee to improve tribal relations. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, line 1, strike all material through "2000." on page 2, line 37 and insert the following:

"WHEREAS, The members of the Washington state legislature recognize there are twenty-eight federally recognized Indian tribes located within the boundaries of Washington state with a combined population of approximately ninety-one thousand members occupying over three and a quarter million acres of land; and

WHEREAS, Those twenty-eight tribes are operating governments with responsibilities to their citizens and their lands like those of the state to its territory and citizens; and

WHEREAS, The relationship on an intergovernmental basis between the Washington state legislature and these Indian tribes has seen only a very limited level of development; and

WHEREAS, Because of these limitations, there is a need to inform and educate members of the legislature and their staff on the status and operations of tribal governments and to educate and inform tribal elected officials and their staff on the operations of the legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That a joint select committee on legislative/tribal relations be established to review, study, and recommend how the legislature and tribes may develop more effective relationships and arrange for intergovernmental mechanisms in order to be able to work together on

common interests and problems, such as court jurisdiction, human services, gaming, tax and revenue, historic preservation, and environmental issues; and

BE IT FURTHER RESOLVED, That the efforts of the committee shall include a study of how other state legislatures and tribal governments handle their intergovernmental relationships and recommend methods of addressing issues that are significant in the area of state/tribal relations and that the committee may hold hearings and seek out the expertise of state and tribal agencies to understand and make recommendations on issues the committee may agree to address; and

BE IT FURTHER RESOLVED, That the committee shall consist of fourteen members, to be comprised of eight state legislators and six tribal elected officials. Four members shall be from the Senate, two from each caucus, to be appointed by the President of the Senate; four members from the House of Representatives, two from each caucus, to be appointed by the Co-Speakers of the House of Representatives; and six elected officials from among the twenty-eight federally recognized tribes, who shall be selected as follows: One from eastern Washington, one from the Pacific coast region, two from the Puget Sound region, and two tribal representatives representing tribes that are not members of the Association of Washington Tribes. However, all tribal representatives will be elected officials of their respective tribes and will be appointed by the Chair of the Association of Washington Tribes. An ad hoc member may be designated by the Governor to be a representative of the Governor and the executive branch; and

BE IT FURTHER RESOLVED, That the committee shall be co-chaired by a legislative member and a tribal member. The members of the legislature appointed to the committee shall select their co-chair and the tribal members of the committee shall select their co-chair, the expenses of the committee shall be paid by the legislature under chapter 44.04 RCW, staff support for the committee shall be provided by the senate committee services and house of representatives office of program research and the Northwest Indian applied research institute located at The Evergreen State College, and the committee may also call upon any of the state agencies and tribal governments to assist in research and provide information; and

BE IT FURTHER RESOLVED, That the committee shall present its report and recommendations to the legislature not later than December 1, 2000; and

BE IT FURTHER RESOLVED, That the committee shall terminate on December 15, 2000."

Signed by Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Voting yea: Representatives McMorris, Romero, Campbell, Miloscia, Dunshee, Haigh, Lambert and Schmidt.

Passed to Rules Committee for Second Reading.

February 25, 2000

ESSCR 8425 Prime Sponsor, Committee on Senate Higher Education: Adopting the recommendations of the higher education coordinating board's year 2000 update of the master plan. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, line 1, strike the remainder of the resolution and insert the following:
"WHEREAS, Chapter 370, Laws of 1985, created the Washington Higher Education Coordinating Board to plan, coordinate, and provide policy analysis for higher education and to represent the broad public interest above the interests of individual colleges and universities; and

WHEREAS, Section 4, chapter 370, Laws of 1985, requires the board to prepare and update a master plan for higher education and requires the Legislature, by concurrent resolution, to "approve or recommend changes" to the master plan and its subsequent updates; and

WHEREAS, The provisions of the master plan that are approved by the Legislature become state higher education policy unless legislation is subsequently enacted to revise those policies; and

WHEREAS, The Washington Higher Education Coordinating Board submitted the initial master plan to the Legislature in December 1987, and submitted updates to the plan in December 1992, January 1996, and January 2000; and

WHEREAS, During the process used to develop the 2000 master plan, the board consulted with students and families, educators, business, labor, and civic organizations representing a cross-section of Washington citizens; and

WHEREAS, The board learned that the need and expectation for higher education among Washington citizens will continue to grow through the next decade, because of population increases as well as the demands of the state's increasingly technology-based economy; and

WHEREAS, The board reported that Washington's public and private colleges and universities and career schools would need to provide opportunities for additional students by the year 2010; and

WHEREAS, The board has spelled out its commitment to continuing to expand enrollment opportunities for Washington students, to keep public higher education affordable for students and families, and to provide financial assistance to those who cannot otherwise afford to go to college; and

WHEREAS, The board identified five specific goals for the state to address higher education needs in the next ten years:

(1) Making student learning the yardstick by which institutional accountability, effectiveness, and efficiency is measured;

(2) Linking students' participation in higher education to their achievement in the K-12 grades;

(3) Providing the information citizens need to make the best use of the learning pathways available to them;

(4) Enhancing higher education opportunity through greater use of e-learning technologies and by increasingly efficient use of public facilities; and

(5) Helping colleges and universities meet student needs and compete in an increasingly competitive and complex education marketplace; and

WHEREAS, The board challenged itself, students, and families, the public and private institutions, the private sector, and the state to each accept its individual responsibilities and to collaborate in the development of solutions; and

WHEREAS, The board described an implementation plan to guide the state's response to the needs of higher education and to estimate the costs of the strategies;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the Washington Higher Education Coordinating Board be commended for its dedication and commitment to the State of Washington in producing the 2000 update of the master plan for higher education titled "The 21st Century Learner"; and

BE IT FURTHER RESOLVED, That the Legislature thank the board for describing many of the challenges facing the state in its attempts to provide the postsecondary education and training our citizens need to fulfill their personal goals and participate fully in the world of the twenty-first century; and

BE IT FURTHER RESOLVED, That the Legislature reaffirm its commitment to create postsecondary opportunities in response to actual demand from citizens for access to high-quality education and training programs; and

BE IT FURTHER RESOLVED, That the board reexamine its assumptions with regard to projected upper division and graduate enrollments, and that the plan reexamine the role of the community and technical colleges in meeting the postsecondary needs of a significant portion of Washington's population; and

BE IT FURTHER RESOLVED, That the board reexamine its assumptions with regard to the capital needs of the community and technical colleges and the four-year institutions of higher education, including their branch campuses; and

BE IT FURTHER RESOLVED, That the Legislature approve the following recommendations of the 2000 update of the master plan:

(1) The goal that, by the year 2010, Washington's system of postsecondary education needs to provide opportunities for additional students to enroll in high-quality education and training programs;

(2) That solutions to the challenge may be found in strategies that (a) make student learning the yardstick by which institutional accountability, effectiveness, and efficiency is measured; and (b) link students' participation in higher education to their achievement in the K-12 grades;

(3) Provide the information citizens need to make the best use of the learning pathways available to them, and support outreach efforts designed to ensure that the higher education system reflects the diversity of the state's population;

(4) Expand the use of e-learning technologies and use public facilities to the fullest extent possible; and

(5) Help colleges and universities meet student needs and compete in an increasingly competitive and complex education marketplace; and

BE IT FURTHER RESOLVED, That the board examine alternatives to address the operating and capital budget needs that are identified in the 2000 update of the master plan; and

BE IT FURTHER RESOLVED, That the board proceed with the implementation of the 2000 update of the master plan as described in "The 21st Century Learner" and report to the 2001 Legislature on progress toward implementing its strategies and on the results of its review of projected enrollments and capital needs assumptions."

Signed by Representatives Carlson, Republican Co-Chair; Kenney, Democratic Co-Chair; Lantz, Democratic Vice Chair; Radcliff, Republican Vice Chair; Dunn; Edmonds; Esser and Gombosky.

Voting yea: Representatives Carlson, Kenney, Lantz, Radcliff, Dunn, Edmonds, Esser and Gombosky.

Passed to Rules Committee for Second Reading.

MOTION

On motion of Representative Morris, the bills, memorials and resolutions listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., Monday, February 28, 2000, the 50th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FORTY SEVENTH DAY, FEBRUARY 25, 2000

JOURNAL OF THE HOUSE

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

FIFTIETH DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 28, 2000

The House was called to order at 9:55 a.m. by Speaker Ballard

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

INTRODUCTIONS AND FIRST READING

HB 3147 by Representatives Veloria and Campbell

AN ACT Relating to the Washington state trade representative; amending RCW 43.332.005 and 43.332.010; and adding a new section to chapter 43.332 RCW.

Referred to the Committee on Economic Development, Housing & Trade

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 28, 2000

HB 2611 Prime Sponsor, Representative Dickerson: Providing a tax exemption for certain persons providing services for developmentally disabled persons. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos and Van Luven.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos and Van Luven.

Excused: Representative Veloria.

Passed to Rules Committee for Second Reading.

February 28, 2000

HB 3105 Prime Sponsor, Representative McDonald: Apportioning a sales and use tax for zoos, aquariums, wildlife preserves, and regional parks. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos and Van Luven.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos and Van Luven.
Excused: Representative Veloria.

Passed to Rules Committee for Second Reading.

February 28, 2000

HB 3128 Prime Sponsor, Representative Thomas: Authorizing the governor to enter into cooperative agreements concerning the sales of cigarettes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Cox; Dickerson; Santos and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Conway and Pennington.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Cox, Dickerson, Santos and Van Luven.

Voting nay: Representatives Conway and Pennington.
Excused: Representative Veloria.

Passed to Rules Committee for Second Reading.

February 28, 2000

E2SSB 5212 Prime Sponsor, Committee on Senate Education: Providing for school safety plans. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature intends to improve student safety by helping school districts revise and update their crisis and emergency plans and by providing additional training to staff in the implementation of those plans. The legislature finds that all-hazard crisis planning will prevent catastrophic events from escalating into school-wide chaos, will minimize damage, and will help students, staff, and parents recover from the crisis.

(2) In addition to planning for a crisis, schools should plan to incorporate character education into each school's curriculum and crisis management plans to prevent a crisis resulting from violent acts by students. The legislature finds that academic success and school safety rest on a foundation of character. The legislature further finds that parents are the first and primary moral educators of children, and that schools have a role in reinforcing the character traits and values deemed important by parents and the local community. The legislature further finds that when character education is integrated into a school's curriculum there is a decline of incidences involving violence, bullying, and harassment. The legislature intends to encourage school districts to integrate character education into

each school's curriculum and crisis management plans. The legislature further intends that local communities, in partnership with schools or school districts, will have the responsibility for determining which character traits and values are included in each district or school's character education program.

Sec. 2. RCW 28A.305.130 and 1997 c 13 s 5 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.

(3) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) (~~above~~) of this section, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(4)(a) The state board of education shall adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a classified teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter.

(b) The state board of education shall require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a classified teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a classified teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

(5) Supervise the issuance of such certificates as provided for in subsection (1) (~~above~~) of this section and specify the types and kinds of certificates necessary for the several departments of the common schools by rule (~~or regulation~~) in accordance with RCW 28A.410.010.

(6) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such preaccreditation examination and evaluation processes as may now or hereafter be established by the board.

(7) Make rules (~~and regulations~~) governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(8) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(9) Continuously reevaluate courses and adopt and enforce (~~(regulations)~~) rules within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapters 28A.315, 28A.323, and 28A.343 RCW (~~(28A.315.010 through 28A.315.680 and 28A.315.900)~~).

(11) By rule (~~(or regulation promulgated)~~) adopted upon the advice of the chief of the Washington state patrol, through the director of fire protection, and in consultation with the superintendent of public instruction and the state military department, provide for the development by school districts and schools of comprehensive all-hazard crisis and emergency plans. The rules must require the plans to:

(a) Include how to prepare for, manage, and evaluate site-based responses to school crises, including but not limited to natural disasters and violent acts or serious injuries or death of students or staff;

(b) Provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden crisis or emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands(~~(, and)~~) without confusion or panic; (~~(such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school)~~)

(c) Be updated by school districts and schools at least once every five years or more frequently if circumstances change;

(d) Be developed by school districts in consultation with local law enforcement, fire, emergency medical services, and emergency management agencies;

(e) Include who to contact in an emergency;

(f) Include procedures for leaving a building safely;

(g) Include procedures for responding to an emergency;

(h) Include procedures for training students and certificated and classified staff;

(i) Include procedures for practicing the plan;

(j) Include procedures for notifying certificated and classified staff about the plan;

(k) Include procedures for notifying parents and community members about the plan; and

(l) Include character education programs and other prevention programs to reduce the likelihood of a crisis caused by student violence.

(12) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.305 RCW to read as follows:

The comprehensive all-hazard crisis and emergency plan development assistance program is created. The superintendent of public instruction shall administer the program to provide funds, to the extent funds are appropriated, to school districts to update the crisis and emergency response plan for every school in their district and to train staff in the implementation of the plans. The superintendent of public instruction shall provide funds to school districts based upon the district developing an effective plan for updating and implementing its comprehensive all-hazard crisis and emergency response plan. The funds shall be used for developing the plan, staff training on implementing the plan, materials, and practicing the plan. In distributing funds to school districts, priority shall be given to school districts that have not received funds for crisis planning.

Sec. 4. RCW 28A.150.211 and 1994 c 245 s 10 are each amended to read as follows:

(1) The legislature also recognizes that certain basic values and character traits are essential to individual liberty, fulfillment, and happiness. However, these values and traits are not intended to be assessed or be standards for graduation. The legislature intends that local communities have the responsibility for determining how these values and character traits are learned as determined by consensus at the local level. These values and traits include the importance of:

- ~~((1))~~ (a) Honesty, integrity, and trust;
- ~~((2))~~ (b) Respect for self and others;
- ~~((3))~~ (c) Responsibility for personal actions and commitments;
- ~~((4))~~ (d) Self-discipline and moderation;
- ~~((5))~~ (e) Diligence and a positive work ethic;
- ~~((6))~~ (f) Respect for law and authority;
- ~~((7))~~ (g) Healthy and positive behavior; and
- ~~((8))~~ (h) Family as the basis of society.

(2) Each school district is strongly encouraged to develop and implement a character education program that incorporates into its curriculum the character traits and values included in subsection (1) of this section. Each school district is also strongly encouraged to develop its character education program in partnership with parents and all interested stakeholders in its local community. When developing a character education program, school districts shall comply with the open public meetings act in chapter 42.30 RCW.

NEW SECTION. Sec. 5. (1) Subject to availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall provide to each school district that develops and implements a character education program, in partnership with parents and all interested stakeholders in its local community under the provisions of RCW 28A.150.211, an equal amount per full-time equivalent elementary school student for the fiscal year ending June 30, 2001. However, the minimum allocation to a district shall be two hundred dollars for each elementary school operated by the district.

(2) A school district that receives funding in accordance with this section shall certify to the superintendent of public instruction that funds received were expended for the purposes of this act.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Mulliken and Sump.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Parlette, Rockefeller, Ruderman, Sullivan, Tokuda and Wensman.

Voting nay: Representatives Mulliken and Sump.

Excused: Representatives Boldt and Regala.

Passed to Rules Committee for Second Reading.

February 28, 2000

SSB 5330 Prime Sponsor, Committee on Senate Higher Education: Treating active duty military personnel as residents for purposes of higher education tuition. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass without amendment by Committee on Higher Education (for committee amendment, see Journal, 46th Day, February 24, 2000). Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Boldt and Regala.

Passed to Rules Committee for Second Reading.

February 28, 2000

SB 6010 Prime Sponsor, Senator West: Creating operating fees waivers not supported by state general fund appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Higher Education (for committee amendment, see Journal, 46th Day, February 24, 2000).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, subject to state board policy, may waive all or a portion of the operating fees for any student. There shall be no state general fund support for waivers granted under this section.

By January 31st of each odd-numbered year, the institutions of higher education shall prepare a report of the costs and benefits of waivers granted under this act and shall transmit copies of their report to the appropriate policy and fiscal committees of the legislature.

Sec. 2. RCW 28B.15.066 and 1999 c 309 s 932 are each amended to read as follows:

It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall not be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act;

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under

RCW 28B.15.910. State general fund appropriations shall not be provided for revenue foregone as a result of or for waivers granted under (~~section 601(3)(e), chapter 309, Laws of 1999~~) section 1 of this act.

Sec. 3. RCW 28B.15.910 and 1999 c 344 s 3 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

(a) University of Washington	21 percent
(b) Washington State University	20 percent
(c) Eastern Washington University	11 percent
(d) Central Washington University	8 percent
(e) Western Washington University	10 percent
(f) The Evergreen State College	6 percent
(g) Community colleges as a whole	35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.10.265;
- (b) RCW 28B.15.014;
- (c) RCW 28B.15.100;
- (d) RCW 28B.15.225;
- (e) RCW 28B.15.380;
- (f) RCW 28B.15.520;
- (g) RCW 28B.15.526;
- (h) RCW 28B.15.527;
- (i) RCW 28B.15.543;
- (j) RCW 28B.15.545;
- (k) RCW 28B.15.555;
- (l) RCW 28B.15.556;
- (m) RCW 28B.15.615;
- (n) RCW 28B.15.620;
- (o) RCW 28B.15.628;
- (p) RCW 28B.15.730;
- (q) RCW 28B.15.740;
- (r) RCW 28B.15.750;
- (s) RCW 28B.15.756;
- (t) RCW 28B.50.259;
- (u) RCW 28B.70.050;
- (v) RCW 28B.80.580; and

(w) During the 1997-99 fiscal biennium, the western interstate commission for higher education undergraduate exchange program for students attending Eastern Washington University.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- (a) Washington State University 1 percent
- (b) Eastern Washington University 3 percent
- (c) Central Washington University 3 percent"

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Boldt and Regala.

Passed to Rules Committee for Second Reading.

February 28, 2000

SB 6037 Prime Sponsor, Senator Shin: Rescinding a retirement allowance agreement. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Cody; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; McMorris; Rockefeller; Ruderman; Sullivan and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Barlean, Republican Vice Chair; Benson; Clements; Crouse; Lambert; Mulliken; Parlette; Sump and Wensman.

Voting yea: Representatives Huff, H. Sommers, Doumit, Schmidt, Cody, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, McMorris, Rockefeller, Ruderman, Sullivan and Tokuda.

Voting nay: Representatives Barlean, Benson, Clements, Crouse, Lambert, Mulliken, Parlette, Sump and Wensman.

Excused: Representatives Alexander, Boldt and Regala.

Passed to Rules Committee for Second Reading.

February 28, 2000

SSB 6071 Prime Sponsor, Committee on Senate Judiciary: Increasing penalties for hit and run where an injury or death occurs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Criminal Justice & Corrections.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.52.020 and 1990 c 210 s 2 are each amended to read as follows:

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he or she has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he or she has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(3) Unless otherwise provided in subsection (7) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his or her name, address, insurance company, insurance policy number, and vehicle license number and shall exhibit his or her vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his or her behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident.

(4)(a) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section ~~((under said circumstances shall be))~~ in the case of an accident resulting in death is guilty of a class B felony and, upon conviction, is punishable according to chapter 9A.20 RCW.

(b) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section in the case of an accident resulting in injury is guilty of a class C felony and, upon conviction, ((be punished pursuant to RCW 9A.20.020: PROVIDED, That)) is punishable according to chapter 9A.20 RCW.

(c) This ((provision)) subsection shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying ((herewith)) with this section.

(5) Any driver covered by the provisions of subsection (2) of this section failing to stop or to comply with any of the requirements of subsection (3) of this section under said circumstances shall be guilty of a gross misdemeanor: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.

(6) The license or permit to drive or any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the department.

(7) If none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his or her part to be performed, shall forthwith report such

accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section.

Sec. 2. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))
 - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW (~~88.12.029~~) 79A.60.050)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Malicious placement of an explosive 2 (RCW 70.74.270(2))
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Robbery 1 (RCW 9A.56.200)
 - Sexual Exploitation (RCW 9.68A.040)
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
 - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ~~((88.12.029))~~ 79A.60.050)
Manslaughter 2 (RCW 9A.32.070)
Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)
Promoting Prostitution 1 (RCW 9A.88.070)
Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)
Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety of others (RCW ~~((88.12.029))~~ 79A.60.050)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Introducing Contraband 1 (RCW 9A.76.140)
Involving a minor in drug dealing (RCW 69.50.401(f))
Malicious placement of an explosive 3 (RCW 70.74.270(3))
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))
On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))
On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))
On and after July 1, 2000: Stalking (RCW 9A.46.110)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
IV Arson 2 (RCW 9A.48.030)
Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW ((~~88.12.032~~)) 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury ((~~Accident~~)) (RCW 46.52.020(4)(b))
Hit and Run with Vessel--Injury Accident (RCW ((~~88.12.155~~)) 79A.60.200(3))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))

- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Forgery (RCW 9A.60.020)
- Malicious Mischief 2 (RCW 9A.48.080)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 13.40.0357 and 1998 c 290 s 5 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+

Assault and Other Crimes

Involving Physical Harm

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045)	C+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

Burglary and Trespass

B+	Burglary 1 (9A.52.020)	C+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E

Drugs

E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C
C	Violation of Uniform Controlled Substances Act -	C

	Possession of a Controlled Substance (69.50.401(d))	
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C

Firearms and Weapons

B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

Homicide

A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+

Kidnapping

A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+

Obstructing Governmental Operation

D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+

Public Disturbance

C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E

Sex Crimes

A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B+	Rape of a Child 2 (9A.44.076)	C+

B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim < 14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
A-	Child Molestation 1 (9A.44.083)	B+
B	Child Molestation 2 (9A.44.086)	C+

Theft, Robbery, Extortion, and Forgery

B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D

Motor Vehicle Related Crimes

E	Driving Without a License (46.20.005)	E
<u>B+</u>	<u>Hit and Run - Death (46.52.020(4)(a))</u>	<u>C+</u>
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E

Other

B	Bomb Threat (9.61.160)	C
C	Escape 1 ¹ (9A.76.110)	C

C	Escape 2 ¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 | 52-65 | 80-100 | 103-129
WEEKS | WEEKS | WEEKS | WEEKS
EXCEPT | | |
30-40 | | |
WEEKS FOR | | |
15-17 | | |
YEAR OLDS | | |

Current B+ 15-36 | 52-65 | 80-100 | 103-129
Offense WEEKS | WEEKS | WEEKS | WEEKS
Category

B LOCAL | | 52-65
SANCTIONS (LS) | 15-36 WEEKS | WEEKS

C+ LS | | 15-36 WEEKS

C LS | 15-36 WEEKS

Local Sanctions: |

0 to 30 Days

D+ LS 0 to 12 Months Community Supervision

0 to 150 Hours Community Service

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(~~(5)~~) (4) and 13.40.165.

OR

OPTION C

MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Boldt and Regala.

Passed to Rules Committee for second reading.

February 28, 2000

SSB 6115 Prime Sponsor, Committee on Senate Ways & Means: Reinstating the property tax exemption for motor vehicles, travel trailers, and campers. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos and Van Luven.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos and Van Luven.

Excused: Representative Veloria.

Passed to Rules Committee for Second Reading.

February 28, 2000

SB 6160 Prime Sponsor, Senator Snyder: Paying travel expenses for certain state investment board applicants. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sump and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representative Sullivan.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 26, 2000

SSB 6233 Prime Sponsor, Committee on Senate Health & Long-Term Care: Changing developmental disabilities endowment trust fund provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 26, 2000

SSB 6244 Prime Sponsor, Committee on Senate Human Services & Corrections: Extending juvenile court jurisdiction for the purpose of enforcing penalty assessments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 28, 2000

ESB 6250 Prime Sponsor, Senator Rasmussen: Providing tax exemptions and credits to encourage a reduction in agricultural burning of cereal grains and field and turf grass grown for seed. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos and Van Luven.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos and Van Luven.

Excused: Representative Veloria.

Passed to Rules Committee for Second Reading.

February 26, 2000

2SSB 6255 Prime Sponsor, Committee on Senate Judiciary: Prescribing penalties for unlawful possession and storage of anhydrous ammonia. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Criminal Justice & Corrections (for committee amendment, see Journal, 47th Day, February 25, 2000).

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 26, 2000

SSB 6260 Prime Sponsor, Committee on Senate Judiciary: Increasing penalties for manufacturing a controlled substance when children are present. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 28, 2000

SSB 6357 Prime Sponsor, Committee on Senate State & Local Government: Funding the municipal research council. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Boldt and Regala.

Passed to Rules Committee for Second Reading.

February 28, 2000

SSB 6361 Prime Sponsor, Committee on Senate Human Services & Corrections: Protecting children at the state school for the deaf and the state school for the blind from abuse and neglect. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Children & Family Services (for committee amendment, see Journal, 47th day, February 25, 2000).

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Boldt and Regala.

Passed to Rules Committee for Second Reading.

February 28, 2000

SSB 6382 Prime Sponsor, Committee on Senate Health & Long-Term Care: Protecting dependent persons. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Boldt and Regala.

Passed to Rules Committee for Second Reading.

February 28, 2000

E2SSB 6400 Prime Sponsor, Committee on Senate Ways & Means: Changing provisions relating to domestic violence. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Criminal Justice & Corrections (for committee amendment, see Journal, 47th Day, February 25, 2000).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 26.50 RCW to read as follows:

The department of social and health services, in its discretion, may seek the relief provided in this chapter on behalf of and with the consent of any vulnerable adult as those persons are defined in RCW 74.34.020. Neither the department nor the state of Washington shall be liable for failure to seek relief on behalf of any persons under this section.

NEW SECTION. Sec. 2. A new section is added to chapter 74.34 RCW to read as follows:

(1) An order for protection of a vulnerable adult issued under this chapter which restrains the respondent or another person from committing acts of abuse, prohibits contact with the petitioner, excludes the person from any specified location, or prohibits the person from coming within a specified distance from a location, shall prominently bear on the front page of the order the legend:
VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(2) Whenever an order for protection of a vulnerable adult is issued under this chapter, and the respondent or person to be restrained knows of the order, a violation of a provision restraining the person from committing acts of abuse, prohibiting contact with the petitioner, excluding the person

from any specified location, or prohibiting the person from coming within a specified distance of a location, shall be punishable under RCW 26.50.110, regardless of whether the person is a family or household member as defined in RCW 26.50.010.

Sec. 3. RCW 9.94A.220 and 1994 c 271 s 901 are each amended to read as follows:

(1) When an offender has completed the requirements of the sentence, the secretary of the department or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge.

(2) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(3) Except as provided in subsection (4) of this section, the discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(4) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(5) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 4. RCW 10.31.100 and 1999 c 184 s 14 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW ((~~10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040, 26.10.115,~~) 26.44.063, or chapter 10.99, 26.09, 26.10, 26.26 ((RCW, or chapter), 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the

foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or ~~((of a provision))~~ excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW ~~((88.12.025))~~ 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 5. RCW 10.99.020 and 1997 c 338 s 53 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Drive-by shooting (RCW 9A.36.045);
- (f) Reckless endangerment (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);
- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);
- (n) Malicious mischief in the third degree (RCW 9A.48.090);
- (o) Kidnapping in the first degree (RCW 9A.40.020);
- (p) Kidnapping in the second degree (RCW 9A.40.030);
- (q) Unlawful imprisonment (RCW 9A.40.040);

(r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, ((~~or~~) 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or section 2 of this act));

(s) (~~Violation of the provisions of a protection order or no-contact order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, 10.99.040, or 10.99.050);~~

- ~~(t))~~ Rape in the first degree (RCW 9A.44.040);
- ~~((~~t~~))~~ (t) Rape in the second degree (RCW 9A.44.050);
- ~~((~~v~~))~~ (u) Residential burglary (RCW 9A.52.025);
- ~~((~~w~~))~~ (v) Stalking (RCW 9A.46.110); and
- ~~((~~x~~))~~ (w) Interference with the reporting of domestic violence (RCW 9A.36.150).

(4) "Victim" means a family or household member who has been subjected to domestic violence.

Sec. 6. RCW 26.09.050 and 1995 c 93 s 2 are each amended to read as follows:

(1) In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall determine the marital status of the parties, make provision for a parenting

plan for any minor child of the marriage, make provision for the support of any child of the marriage entitled to support, consider or approve provision for the maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders including the provisions contained in RCW 9.41.800, make provision for the issuance within this action of the restraint provisions of a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW, and make provision for the change of name of any party.

(2) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ~~((26.09))~~ 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(3) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ~~((forthwith))~~ enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(4) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 7. RCW 26.09.060 and 1995 c 246 s 26 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child upon a showing of the necessity therefor;

(d) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(e) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not

to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances. The court may in its discretion waive the filing of the bond or the posting of security.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ~~((26.09))~~ 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ~~((forthwith))~~ enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ~~((law enforcement))~~ computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection ~~((40))~~ (11) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

~~((40))~~ (11) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

(a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or

(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

Sec. 8. RCW 26.10.040 and 1995 c 93 s 3 are each amended to read as follows:

(1) In entering an order under this chapter, the court shall consider, approve, or make provision for:

~~((1))~~ (a) Child custody, visitation, and the support of any child entitled to support;

~~((2))~~ (b) The allocation of the children as a federal tax exemption;

~~((3))~~ (c) Any necessary continuing restraining orders, including the provisions contained in RCW 9.41.800;

~~((4))~~ (d) A domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW. The court may grant any of the relief provided in RCW

26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080;

~~((5))~~ (e) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ~~((26.10))~~ 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST~~((;))~~.

~~((6))~~ (2) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ~~((forthwith))~~ enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(3) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 9. RCW 26.10.115 and 1995 c 246 s 29 are each amended to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Molesting or disturbing the peace of the other party or of any child;

(b) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(7) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH

ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ~~((26.10))~~ 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ~~((forthwith))~~ enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ~~((law enforcement))~~ computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

~~((10))~~ (11) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 10. RCW 26.26.130 and 1997 c 58 s 947 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(4) The judgment and order shall contain the social security numbers of all parties to the order.

(5) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(6) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards contained in chapter 26.19 RCW.

(7) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party.

(8) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

(9) In entering an order under this chapter, the court may issue any necessary continuing restraining orders, including the restraint provisions of domestic violence protection orders under chapter 26.50 RCW or antiharassment protection orders under chapter 10.14 RCW.

(10) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party ~~((or))~~, from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ~~((26.26))~~ 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(11) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(12) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 11. RCW 26.26.137 and 1995 c 246 s 32 are each amended to read as follows:

(1) If the court has made a finding as to the paternity of a child, or if a party's acknowledgment of paternity has been filed with the court, or a party alleges he is the father of the child, any party may move for temporary support for the child prior to the date of entry of the final order. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

(a) Molesting or disturbing the peace of another party;

(b) Going onto the grounds of or entering the home, workplace, or school of another party or the day care or school of any child; ~~((or))~~

(c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home,

workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ~~((26.26))~~ 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(5) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall ~~((forthwith))~~ enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(6) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(7) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

~~((7))~~ (8) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

~~((8))~~ (9) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the petition is dismissed; and

(d) May be entered in a proceeding for the modification of an existing order.

~~((9))~~ (10) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 12. RCW 26.44.063 and 1993 c 412 s 15 are each amended to read as follows:

(1) It is the intent of the legislature to minimize trauma to a child involved in an allegation of sexual or physical abuse. The legislature declares that removing the child from the home often has the effect of further traumatizing the child. It is, therefore, the legislature's intent that the alleged offender, rather than the child, shall be removed from the home and that this should be done at the earliest possible point of intervention in accordance with RCW 10.31.100, 13.34.130, this section, and RCW 26.44.130.

(2) In any judicial proceeding in which it is alleged that a child has been subjected to sexual or physical abuse, if the court finds reasonable grounds to believe that an incident of sexual or physical abuse has occurred, the court may, on its own motion, or the motion of the guardian ad litem or other parties, issue a temporary restraining order or preliminary injunction restraining or enjoining the person accused of committing the abuse from:

(a) Molesting or disturbing the peace of the alleged victim;

(b) Entering the family home of the alleged victim except as specifically authorized by the court; ~~((or))~~

(c) Having any contact with the alleged victim, except as specifically authorized by the court;

(d) Knowingly coming within, or knowingly remaining within, a specified distance of a specified location.

(3) In issuing a temporary restraining order or preliminary injunction, the court may impose any additional restrictions that the court in its discretion determines are necessary to protect the child from further abuse or emotional trauma pending final resolution of the abuse allegations.

(4) The court shall issue a temporary restraining order prohibiting a person from entering the family home if the court finds that the order would eliminate the need for an out-of-home placement to protect the child's right to nurturance, health, and safety and is sufficient to protect the child from further sexual or physical abuse or coercion.

(5) The court may issue a temporary restraining order without requiring notice to the party to be restrained or other parties only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) A temporary restraining order or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding; and

(b) May be revoked or modified.

(7) The person having physical custody of the child shall have an affirmative duty to assist in the enforcement of the restraining order including but not limited to a duty to notify the court as soon as practicable of any violation of the order, a duty to request the assistance of law enforcement officers to enforce the order, and a duty to notify the department of social and health services of any violation of the order as soon as practicable if the department is a party to the action. Failure by the custodial party to discharge these affirmative duties shall be subject to contempt proceedings.

(8) Willful violation of a court order entered under this section is a misdemeanor. A written order shall contain the court's directive and shall bear the legend: "Violation of this order with actual notice of its terms is a criminal offense under chapter 26.44 RCW, is also subject to contempt proceedings, and will subject a violator to arrest."

(9) If a restraining order issued under this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 13. RCW 26.44.067 and 1993 c 412 s 16 are each amended to read as follows:

(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction pursuant to RCW 26.44.063 who refuses to comply with the provisions of such order shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) of this section may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified by a notary public or the clerk of the court to be an accurate copy of the original court order which is on file. The copy may be supplied by the court or any party.

(3) The remedies provided in this section shall not apply unless restraining orders subject to this section ~~((shall))~~ bear this legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.44 RCW AND IS ALSO SUBJECT TO CONTEMPT PROCEEDINGS.

(4) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule. No right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest.

Sec. 14. RCW 26.50.035 and 1995 c 246 s 4 are each amended to read as follows:

(1) ~~((By July 1, 1994,))~~ The administrator for the courts shall develop and prepare instructions and informational brochures required under RCW 26.50.030(4), standard petition and order for

protection forms, and a court staff handbook on domestic violence and the protection order process. The standard petition and order for protection forms must be used after September 1, 1994, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including a representative of the state domestic violence coalition, judges, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining ~~((a))~~, modifying, and terminating a domestic violence protection order as provided under this chapter, ((a)) an anti-harassment no-contact order as provided ((by RCW 10.99.040)) under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided ((by RCW 26.09.060)) under chapter 26.09, 26.10, 26.26, and 26.44 RCW, ((and)) an antiharassment protection order as provided by chapter 10.14 RCW, and a foreign protection order as defined in chapter 26.52 RCW.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a domestic violence program, defined in RCW 70.123.020, serving the county in which the court is located. The community resource list shall include the names and telephone numbers of domestic violence programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrator for the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrator for the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by January 1, 1997.

(6) The administrator for the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

Sec. 15. RCW 26.50.060 and 1999 c 147 s 2 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling ~~((which))~~ that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

~~((d))~~ (e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

~~((e))~~ (f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

~~((f))~~ (g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including ~~((a))~~ reasonable ~~((attorney's fee))~~ attorneys' fees;

~~((g))~~ (h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

~~((h))~~ (i) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

~~((i))~~ (j) Consider the provisions of RCW 9.41.800;

~~((j))~~ (k) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included; and

~~((k))~~ (l) Order use of a vehicle.

(2) If a ~~((restraining))~~ protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(f) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 16. RCW 26.50.070 and 1996 c 248 s 14 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

~~((d))~~ (e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

~~((e))~~ (f) Considering the provisions of RCW 9.41.800.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a state-wide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

Sec. 17. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))
 - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ~~((88.12.029))~~ 79A.60.050)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Malicious placement of an explosive 2 (RCW 70.74.270(2))
 - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Robbery 1 (RCW 9A.56.200)
 - Sexual Exploitation (RCW 9.68A.040)
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
 - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ~~((88.12.029))~~ 79A.60.050)
 - Manslaughter 2 (RCW 9A.32.070)
 - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Drive-by Shooting (RCW 9A.36.045)
 - Homicide by Watercraft, by disregard for the safety of others (RCW ((~~88.12.029~~) 79A.60.050)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Involving a minor in drug dealing (RCW 69.50.401(f))
 - Malicious placement of an explosive 3 (RCW 70.74.270(3))
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
 - Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
 - Bribery (RCW 9A.68.010)
 - Incest 1 (RCW 9A.64.020(1))
 - Intimidating a Judge (RCW 9A.72.160)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
 - Rape of a Child 3 (RCW 9A.44.079)
 - Theft of a Firearm (RCW 9A.56.300)
- V Abandonment of dependent person 1 (RCW 9A.42.060)
 - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 - Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 - Child Molestation 3 (RCW 9A.44.089)
 - Criminal Mistreatment 1 (RCW 9A.42.020)
 - Custodial Sexual Misconduct 1 (RCW 9A.44.160)
 - Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
 - Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or section 2 of this act)
 - Extortion 1 (RCW 9A.56.120)
 - Extortionate Extension of Credit (RCW 9A.82.020)
 - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 - Incest 2 (RCW 9A.64.020(2))
 - Kidnapping 2 (RCW 9A.40.030)

~~((On and after July 1, 2000: No Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))~~

~~On and after July 1, 2000: No Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))~~

~~On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))~~

~~On and after July 1, 2000: Stalking (RCW 9A.46.110)))~~

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW ~~((88.12.032))~~ 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury Accident (RCW 46.52.020(4))

Hit and Run with Vessel--Injury Accident (RCW ~~((88.12.155(3)))~~ 79A.60.200(3))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property
 (valued at one thousand five hundred dollars or
 more) (RCW 9A.56.096(4))
 Trafficking in Insurance Claims (RCW 48.30A.015)
 Unlawful Practice of Law (RCW 2.48.180)
 Unlicensed Practice of a Profession or Business (RCW
 18.130.190(7))
 I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 False Verification for Welfare (RCW 74.08.055)
 Forged Prescription (RCW 69.41.020)
 Forged Prescription for a Controlled Substance (RCW
 69.50.403)
 Forgery (RCW 9A.60.020)
 Malicious Mischief 2 (RCW 9A.48.080)
 Possess Controlled Substance that is a Narcotic from
 Schedule III, IV, or V or Non-narcotic from
 Schedule I-V (except phencyclidine or
 flunitrazepam) (RCW 69.50.401(d))
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Reckless Burning 1 (RCW 9A.48.040)
 Taking Motor Vehicle Without Permission (RCW
 9A.56.070)
 Theft 2 (RCW 9A.56.040)
 Theft of Rental, Leased, or Lease-purchased Property
 (valued at two hundred fifty dollars or more but less
 than one thousand five hundred dollars) (RCW
 9A.56.096(4))
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 18. RCW 10.99.040 and 1997 c 338 s 54 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

~~(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is ((a gross misdemeanor except as provided in (b) and (c) of this subsection (4). Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.~~

~~(b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.~~

~~(c) A willful violation of a court order issued under this section is a class C felony if the offender has at least two previous convictions for violating the provisions of a no contact order issued under this chapter, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out of state order that is comparable to a no contact order or protection order issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no contact orders or protection orders the offender violated)) punishable under RCW 26.50.110.~~

~~((d))~~ (b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter ~~((40.99))~~ 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

~~((5))~~ (6) Whenever ~~((an))~~ a no-contact order ~~((prohibiting contact))~~ is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall ~~((forthwith))~~ enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ~~((law enforcement))~~ computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

Sec. 19. RCW 10.99.045 and 1998 c 55 s 2 are each amended to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020 shall be required to appear in person before a magistrate within one judicial day after the arrest.

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020 and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3) At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. The court may include in the order any conditions authorized under RCW 9.41.800 and 10.99.040.

(4) Appearances required pursuant to this section are mandatory and cannot be waived.

(5) The no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in RCW 10.99.040 (2) and (4).

Sec. 20. RCW 10.99.050 and 1997 c 338 s 55 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

~~(2)(a) Willful violation of a court order issued under this section is ((a gross misdemeanor-- Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. A willful violation of a court order issued under this section is also a class C felony if the offender has at least two previous convictions for violating the provisions of a no contact order issued under this chapter, or a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out of state order that is comparable to a no contact order or protection order that is issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no contact orders or protection orders the offender violated)) punishable under RCW 26.50.110.~~

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ((10.99)) 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall ~~((forthwith))~~ enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the ~~((law enforcement))~~ computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(4) If an order prohibiting contact issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

Sec. 21. RCW 26.09.300 and 1996 c 248 s 9 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or

knowingly remaining within, a specified distance of a location, is ((a misdemeanor)) punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 22. RCW 26.10.220 and 1999 c 184 s 11 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, is ((a gross misdemeanor)) punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 23. RCW 26.26.138 and 1999 c 184 s 12 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, is ~~((a gross misdemeanor))~~ punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 24. RCW 26.50.110 and 1996 c 248 s 16 are each amended to read as follows:

(1) Whenever an order ~~((for protection))~~ is granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime, for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services,

and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order (~~(for protection)~~) issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of (~~(a protective)~~) such an order (issued under this chapter) that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of (~~(a no-contact)~~) an order issued under chapter 10.99 (RCW, a domestic violence protection order issued under chapter 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out-of-state order that is comparable to a no-contact or protection order issued under Washington law), 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the (~~(no-contact orders or protection)~~) orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order (~~(for protection)~~) granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 25. RCW 26.50.160 and 1995 c 246 s 18 are each amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, (~~(and)~~) every parentage action under chapter ((26.10)) 26.26 RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the data base as a party rather than the guardian or department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Sec. 26. RCW 26.52.070 and 1999 c 184 s 9 are each amended to read as follows:

(1) Whenever a foreign protection order is granted to a person entitled to protection and the person under restraint knows of the foreign protection order, a violation of a provision prohibiting the person under restraint from contacting or communicating with another person, or of a provision excluding the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime, is ~~((a gross misdemeanor except as provided in subsections (3) and (4) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require the person under restraint to submit to electronic monitoring. The court shall specify who will provide the electronic monitoring services, and the terms under which the monitoring will be performed. The order also may include a requirement that the person under restraint pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring))~~ punishable under RCW 26.50.110.

(2) A peace officer shall arrest without a warrant and take into custody a person when the peace officer has probable cause to believe that a foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order that prohibits the person under restraint from contacting or communicating with another person, or a provision that excludes the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

~~((3) An assault that is a violation of a valid foreign protection order that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and conduct in violation of a valid foreign protection order issued under this chapter that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.~~

~~(4) A violation of a valid foreign protection order is a class C felony if the offender has at least two previous convictions for violating the provisions of a no contact order issued under chapter 10.99 RCW, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or a federal or out-of-state order that is comparable to a no contact or protection order issued under Washington law. The previous convictions may involve the same person entitled to protection or other person entitled to protection specifically protected by the no contact orders or protection orders the offender violated.)~~

Sec. 27. RCW 74.34.130 and 1999 c 176 s 13 are each amended to read as follows:

The court may order relief as it deems necessary for the protection of the petitioner, including, but not limited to the following:

- (1) Restraining respondent from committing acts of abandonment, abuse, neglect, or financial exploitation;
- (2) Excluding the respondent from petitioner's residence for a specified period or until further order of the court;
- (3) Prohibiting contact by respondent for a specified period or until further order of the court;
- (4) Prohibiting the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;
- (5) Requiring an accounting by respondent of the disposition of petitioner's income or other resources;

~~((5))~~ (6) Restraining the transfer of property for a specified period not exceeding ninety days; and

~~((6))~~ (7) Requiring the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year.

Sec. 28. RCW 9.94A.440 and 1999 c 322 s 6 and 1999 c 196 s 11 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) **Contrary to Legislative Intent** - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) **Antiquated Statute** - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) **De Minimus Violation** - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) **Confinement on Other Charges** - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;
(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated;
and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) **Pending Conviction on Another Charge** - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated;
and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) **High Disproportionate Cost of Prosecution** - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) **Improper Motives of Complainant** - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) **Immunity** - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably

lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

- (i) Assault cases where the victim has suffered little or no injury;
- (ii) Crimes against property, not involving violence, where no major loss was suffered;
- (iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

- Aggravated Murder
- 1st Degree Murder
- 2nd Degree Murder
- 1st Degree Kidnaping
- 1st Degree Assault
- 1st Degree Assault of a Child
- 1st Degree Rape
- 1st Degree Robbery
- 1st Degree Rape of a Child
- 1st Degree Arson
- 2nd Degree Kidnaping
- 2nd Degree Assault
- 2nd Degree Assault of a Child
- 2nd Degree Rape
- 2nd Degree Robbery
- 1st Degree Burglary
- 1st Degree Manslaughter
- 2nd Degree Manslaughter
- 1st Degree Extortion
- Indecent Liberties
- Incest
- 2nd Degree Rape of a Child
- Vehicular Homicide
- Vehicular Assault
- 3rd Degree Rape

3rd Degree Rape of a Child
1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion
1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
3rd Degree Assault of a Child
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)
Stalking
Custodial Assault
~~((No Contact Order Domestic Violence Pretrial (RCW 10.99.040(4) (b) and (c))
No Contact Order Domestic Violence Sentence (RCW 10.99.050(2))
Protection Order Domestic Violence Civil (RCW 26.50.110 (4) and (5))))~~ Domestic Violence
Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110,
26.52.070, or section 2 of this act)

Counterfeiting (if a violation of RCW 9.16.035(4))
CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband
1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft
2nd Degree Escape
2nd Degree Introducing Contraband
2nd Degree Possession of Stolen Property
2nd Degree Malicious Mischief
1st Degree Reckless Burning
Taking a Motor Vehicle without Authorization
Forgery
2nd Degree Perjury
2nd Degree Promoting Prostitution
Tampering with a Witness
Trading in Public Office
Trading in Special Influence
Receiving/Granting Unlawful Compensation
Bigamy
Eluding a Pursuing Police Vehicle
Willful Failure to Return from Furlough

Escape from Community Custody
Riot (if against property)
Thefts of Livestock
ALL OTHER UNCLASSIFIED FELONIES
Selection of Charges/Degree of Charge

- (i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:
- (A) Will significantly enhance the strength of the state's case at trial; or
 - (B) Will result in restitution to all victims.
- (ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:
- (A) Charging a higher degree;
 - (B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (B) The completion of necessary laboratory tests; and
- (C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (A) Probable cause exists to believe the suspect is guilty; and
- (B) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (A) Polygraph testing;
- (B) Hypnosis;
- (C) Electronic surveillance;
- (D) Use of informants.

(iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the

prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

NEW SECTION. **Sec. 29.** Section 17 of this act takes effect July 1, 2000.

NEW SECTION. **Sec. 30.** The penalties prescribed in this act apply to violations of court orders which occur on or after July 1, 2000, regardless of the date the court issued the order."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative Boldt.

Passed to Rules Committee for Second Reading.

February 28, 2000

SSB 6401 Prime Sponsor, Committee on Senate Health & Long-Term Care: Protecting vulnerable adults. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Criminal Justice & Corrections.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.20A.710 and 1999 c 336 s 7 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges or disciplinary board final decisions of:

(a) Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or individuals with mental illness or developmental disabilities; and

(b) Individual providers who are paid by the state (~~for~~) and providers who are paid by home care agencies to provide in-home services (~~and hired by individuals~~) involving unsupervised access to persons with physical (~~disabilities~~), mental, or developmental disabilities(~~or~~) or mental illness, or (~~mental impairment~~) to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) An individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records both through the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW

74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2)(b).

(4) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

(5) The secretary shall provide the results of the ((state)) background check on individual providers to the ((individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment)) persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If ((an individual)) the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from ((employment with the department)) having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

((4)) (6) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

Sec. 2. RCW 74.34.095 and 1999 c 176 s 17 are each amended to read as follows:

(1) The following information is confidential and not subject to disclosure, except as provided in this section:

- (a) A report of abandonment, abuse, financial exploitation, or neglect made under this chapter;
- (b) The identity of the person making the report; and
- (c) All files, reports, records, communications, and working papers used or developed in the investigation or provision of protective services.

(2) Information considered confidential may be disclosed only for a purpose consistent with this chapter or as authorized by chapter 18.20, 18.51, or 74.39A RCW, or as authorized by the long-term care ombudsman programs under federal law or state law, chapter 43.190 RCW.

(3) A court or presiding officer in an administrative proceeding may order disclosure of confidential information only if the court, or presiding officer in an administrative proceeding, determines that disclosure is essential to the administration of justice and will not endanger the life or safety of the vulnerable adult or individual who made the report. The court or presiding officer in an administrative hearing may place restrictions on such disclosure as the court or presiding officer deems proper.

Sec. 3. RCW 74.39A.095 and 1999 c 175 s 3 are each amended to read as follows:

(1) In carrying out case management responsibilities established under RCW 74.39A.090 for consumers who are receiving services under the medicaid personal care, community options programs entry system or chore services program through an individual provider, each area agency on aging shall provide adequate oversight of the care being provided to consumers receiving services under this section. Such oversight shall include, but is not limited to:

- (a) Verification that the individual provider has met any training requirements established by the department;
- (b) Verification of a sample of worker time sheets;
- (c) Home visits or telephone contacts sufficient to ensure that the plan of care is being appropriately implemented;
- (d) Reassessment and reauthorization of services;
- (e) Monitoring of individual provider performance; and
- (f) Conducting criminal background checks or verifying that criminal background checks have been conducted.

(2) The area agency on aging case manager shall work with each consumer to develop a plan of care under this section that identifies and ensures coordination of health and long-term care services that meet the consumer's needs. In developing the plan, they shall utilize, and modify as needed, any comprehensive community service plan developed by the department as provided in RCW 74.39A.040. The plan of care shall include, at a minimum:

(a) The name and telephone number of the consumer's area agency on aging case manager, and a statement as to how the case manager can be contacted about any concerns related to the consumer's well-being or the adequacy of care provided;

(b) The name and telephone numbers of the consumer's primary health care provider, and other health or long-term care providers with whom the consumer has frequent contacts;

(c) A clear description of the roles and responsibilities of the area agency on aging case manager and the consumer receiving services under this section;

(d) The duties and tasks to be performed by the area agency on aging case manager and the consumer receiving services under this section;

(e) The type of in-home services authorized, and the number of hours of services to be provided;

(f) The terms of compensation of the individual provider;

(g) A statement that the individual provider has the ability and willingness to carry out his or her responsibilities relative to the plan of care; and

(h)(i) Except as provided in (h)(ii) of this subsection, a clear statement indicating that a consumer receiving services under this section has the right to waive any of the case management services offered by the area agency on aging under this section, and a clear indication of whether the consumer has, in fact, waived any of these services.

(ii) The consumer's right to waive case management services does not include the right to waive reassessment or reauthorization of services, or verification that services are being provided in accordance with the plan of care.

(3) Each area agency on aging shall retain a record of each waiver of services included in a plan of care under this section.

(4) Each consumer has the right to direct and participate in the development of their plan of care to the maximum practicable extent of their abilities and desires, and to be provided with the time and support necessary to facilitate that participation.

(5) A copy of the plan of care must be distributed to the consumer's primary care provider, individual provider, and other relevant providers with whom the consumer has frequent contact, as authorized by the consumer.

(6) The consumer's plan of care shall be an attachment to the contract between the department, or their designee, and the individual provider.

(7) If the department or area agency on aging case manager finds that an individual provider's inadequate performance or inability to deliver quality care is jeopardizing the health, safety, or well-being of a consumer receiving service under this section, the department or the area agency on aging may take action to terminate the contract between the department and the individual provider. If the department or the area agency on aging has a reasonable, good faith belief that the health, safety, or well-being of a consumer is in imminent jeopardy, the department or area agency on aging may summarily suspend the contract pending a fair hearing. The consumer may request a fair hearing to contest the planned action of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection.

(8) The department or area agency on aging may reject a request by ~~((an [a]))~~ a consumer receiving services under this section to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the family member or other person will be unable to appropriately meet the care needs of the consumer. The consumer may request a fair hearing to contest the decision of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection.

NEW SECTION. **Sec. 4.** A new section is added to chapter 74.39A RCW to read as follows:

A home and community services employer or a nursing home employer who discloses information about a former or current employee to a prospective home and community services employer or nursing home employer is presumed to be acting in good faith and is immune from civil and criminal liability for such disclosure or its consequences if the disclosed information relates to: (1) The employee's ability to perform his or her job; (2) the diligence, skill, or reliability with which the employee carried out the duties of his or her job; or (3) any illegal or wrongful act committed by the employee when related to his or her ability to care for a vulnerable adult. For purposes of this section, the presumption of good faith may only be rebutted upon a showing by clear and convincing evidence that the information disclosed by the home and community services employer or nursing home employer was knowingly false or with reckless disregard for the truth of the information disclosed. Nothing in this section shall affect or limit any other state, federal, or constitutional right otherwise available. Should the employee successfully rebut the presumption of good faith standard in a court of competent jurisdiction, and therefore be the prevailing party, the prevailing party shall be entitled to recover reasonable attorneys' fees against the employer.

NEW SECTION. **Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Boldt and Regala.

Passed to Rules Committee for Second Reading.

February 26, 2000

SSB 6454 Prime Sponsor, Committee on Senate Ways & Means: Eliminating references to obsolete natural resources accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 28, 2000

SSB 6502 Prime Sponsor, Committee on Senate Health & Long-Term Care: Changing provisions on long-term care training. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Boldt and Regala.

Passed to Rules Committee for Second Reading.

February 28, 2000

SSB 6531 Prime Sponsor, Committee on Senate Ways & Means: Modifying the Washington school employees' retirement system plan 2 and 3. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representatives Boldt and Regala.

Passed to Rules Committee for Second Reading.

February 26, 2000

SB 6532 Prime Sponsor, Senator Honeyford: Decreasing the employee contribution rate for the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 26, 2000

ESSB 6533 Prime Sponsor, Committee on Senate Ways & Means: Creating additional options for payment of retirement allowances. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.26.460 and 1998 c 340 s 5 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.26.430 or disability retirement under RCW 41.26.470, a member shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

Sec. 2. RCW 41.32.530 and 1998 c 340 s 6 are each amended to read as follows:

(1) Upon an application for retirement for service under RCW 41.32.480 or retirement for disability under RCW 41.32.550, approved by the department, every member shall receive the maximum retirement allowance available to him or her throughout life unless prior to the time the first installment thereof becomes due he or she has elected, by executing the proper application therefor, to receive the actuarial equivalent of his or her retirement allowance in reduced payments throughout his or her life with the following options:

(a) Standard allowance. If he or she dies before he or she has received the present value of his or her accumulated contributions at the time of his or her retirement in annuity payments, the unpaid balance shall be paid to his or her estate or to such person, trust, or organization as he or she shall have nominated by written designation executed and filed with the department.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person (~~who has an insurable interest in the member's life~~). Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(c) Such other benefits shall be paid to a member receiving a retirement allowance under RCW 41.32.497 as the member may designate for himself, herself, or others equal to the actuarial value of his or her retirement annuity at the time of his retirement: PROVIDED, That the board of trustees shall limit withdrawals of accumulated contributions to such sums as will not reduce the member's retirement allowance below one hundred and twenty dollars per month.

(d) A member whose retirement allowance is calculated under RCW 41.32.498 may also elect to receive a retirement allowance based on options available under this subsection that includes the benefit provided under RCW 41.32.770. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the maximum retirement allowance and to the options available under this subsection.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

Sec. 3. RCW 41.32.785 and 1998 c 340 s 7 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.765 or retirement for disability under RCW 41.32.790, a member shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the

department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

Sec. 4. RCW 41.32.851 and 1995 c 239 s 108 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.875 or retirement for disability under RCW 41.32.880, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. Upon the death of the retired member, all benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and

paid to such person or persons as the retiree shall have nominated by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

(3) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

Sec. 5. RCW 41.35.220 and 1998 c 341 s 23 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.35.420 or 41.35.680 or retirement for disability under RCW 41.35.440 or 41.35.690, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

Sec. 6. RCW 41.40.188 and 1998 c 340 s 8 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.180 or retirement for disability under RCW 41.40.210 or 41.40.230, a member shall elect to have the retirement allowance paid pursuant to one of the following options calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(c) A member may elect to include the benefit provided under RCW 41.40.640 along with the retirement options available under this section. This retirement allowance option shall be calculated so as to be actuarially equivalent to the options offered under this subsection.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

Sec. 7. RCW 41.40.660 and 1998 c 340 s 9 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.630 or retirement for disability under RCW 41.40.670, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

Sec. 8. RCW 43.43.278 and 1999 c 74 s 4 are each amended to read as follows:

By July 1, 2000, the department of retirement systems shall adopt rules that allow a member to select(~~(, in lieu of benefits under RCW 43.43.270,)~~) an actuarially equivalent retirement option that pays the member a reduced retirement allowance and upon death shall be continued throughout the life of a lawful surviving spouse. The continuing allowance to the lawful surviving spouse shall be subject to the yearly increase provided by RCW 43.43.260(5) in lieu of the annual increase provided in RCW 43.43.272. The allowance to the lawful surviving spouse under this section, and the allowance for an eligible child or children under RCW 43.43.270, shall not be subject to the limit for combined benefits under RCW 43.43.270.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 10.** Section 5 of this act takes effect September 1, 2000."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser;

Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 26, 2000

SB 6534 Prime Sponsor, Senator Bauer: Establishing eligibility for the employee attendance incentive program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.400.210 and 1997 c 13 s 9 are each amended to read as follows:

Every school district board of directors may, in accordance with chapters 41.56 and 41.59 RCW, establish an attendance incentive program for all certificated and classified employees in the following manner, including covering persons who were employed during the 1982-'83 school year:

(1) In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation. No employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

(2) Except as provided in RCW 28A.400.212, at the time of separation from school district employment (~~due to retirement or death~~) an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury. For purposes of this subsection, "eligible employee" means (a) employees who separate from employment due to retirement or death; (b) employees who separate from employment and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(40), or under the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010(31); or (c) employees who separate from employment and who are at least age fifty-five and have at least fifteen years of service under the teachers' retirement system plan 2 as defined in RCW 41.32.010(39), under the Washington school employees' retirement system plan 2 as defined in RCW 41.35.010(30), or under the public employees' retirement system plan 2 as defined in RCW 41.40.010(34).

(3) In lieu of remuneration for unused leave for illness or injury as provided in subsections (1) and (2) of this section, a school district board of directors may, with equivalent funds, provide eligible employees a benefit plan that provides reimbursement for medical expenses. Any benefit plan adopted after July 28, 1991, shall require, as a condition of participation under the plan, that the employee sign an agreement with the district to hold the district harmless should the United States government find that the district or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the district not withholding or deducting any tax, assessment, or other payment on such funds as required under federal law.

Moneys or benefits received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 26, 2000

SB 6602 Prime Sponsor, Senator Loveland: Revising membership of certain LEOFF disability boards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 26, 2000

SSB 6720 Prime Sponsor, Committee on Senate Agriculture & Rural Economic Devel: Modifying the Washington state beef commission. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 26, 2000

E2SSB 6731 Prime Sponsor, Committee on Senate Ways & Means: Creating a Lake Whatcom landscape plan. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources (for committee amendment, see Journal, 47th Day, February 25, 2000).

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 26, 2000

SSB 6740 Prime Sponsor, Committee on Senate Ways & Means: Providing service credit for certain members of the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sump and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representative Sullivan.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

February 28, 2000

SJM 8021 Prime Sponsor, Senator Spanel: Requesting the designation of the Paul N. Luvera, Sr. Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Haigh; Hatfield; Hurst; McDonald; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Haigh, Hatfield, Hurst, McDonald, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner, Wood and Woods.

Excused: Representatives Buck, G. Chandler, DeBolt, Fortunato, Lovick and Mielke.

Passed to Rules Committee for Second Reading.

February 26, 2000

SJR 8214 Prime Sponsor, Senator Wojahn: Amending the Constitution to allow certain trust fund moneys to be invested as authorized by the legislature. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump and Tokuda.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Excused: Representative McIntire.

Passed to Rules Committee for Second Reading.

There being no objection, the bills, memorial and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

EIGHTH ORDER

There being no objection, the following bills were placed on the Second Reading calendar for the next working day.

ENGROSSED SENATE BILL NO. 5152

SUBSTITUTE SENATE BILL NO. 5366

SUBSTITUTE SENATE BILL NO. 5408

SUBSTITUTE SENATE BILL NO. 5518

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5610

SENATE BILL NO. 5664

ENGROSSED SENATE BILL NO. 5667

ENGROSSED SUBSTITUTE SENATE BILL NO. 5921

SUBSTITUTE SENATE BILL NO. 5932

SUBSTITUTE SENATE BILL NO. 6117

SENATE BILL NO. 6123

SENATE BILL NO. 6138

SENATE BILL NO. 6139

SENATE BILL NO. 6140

SUBSTITUTE SENATE BILL NO. 6147

ENGROSSED SUBSTITUTE SENATE BILL NO. 6149

SUBSTITUTE SENATE BILL NO. 6182

SUBSTITUTE SENATE BILL NO. 6186

SENATE BILL NO. 6190

SENATE BILL NO. 6206

ENGROSSED SUBSTITUTE SENATE BILL NO. 6217

ENGROSSED SUBSTITUTE SENATE BILL NO. 6218

ENGROSSED SUBSTITUTE SENATE BILL NO. 6220

SENATE BILL NO. 6223

SENATE BILL NO. 6237

SENATE BILL NO. 6275

SUBSTITUTE SENATE BILL NO. 6276

SENATE BILL NO. 6285

SUBSTITUTE SENATE BILL NO. 6294

SENATE BILL NO. 6307

SUBSTITUTE SENATE BILL NO. 6336

ENGROSSED SUBSTITUTE SENATE BILL NO. 6347
SUBSTITUTE SENATE BILL NO. 6349
SUBSTITUTE SENATE BILL NO. 6351
SENATE BILL NO. 6366
SENATE BILL NO. 6378
SENATE BILL NO. 6429
SUBSTITUTE SENATE BILL NO. 6467
ENGROSSED SENATE BILL NO. 6555
SUBSTITUTE SENATE BILL NO. 6557
ENGROSSED SUBSTITUTE SENATE BILL NO. 6559
SENATE BILL NO. 6570
SUBSTITUTE SENATE BILL NO. 6621
SENATE BILL NO. 6622
SENATE BILL NO. 6642
SUBSTITUTE SENATE BILL NO. 6643
SUBSTITUTE SENATE BILL NO. 6644
SENATE BILL NO. 6667
SENATE BILL NO. 6678
SUBSTITUTE SENATE BILL NO. 6687
ENGROSSED SUBSTITUTE SENATE BILL NO. 6732
SENATE BILL NO. 6741
SENATE BILL NO. 6748
SECOND SUBSTITUTE SENATE BILL NO. 6811
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017
SENATE JOINT MEMORIAL NO. 8019
SENATE JOINT MEMORIAL NO. 8022
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8026

SENATE JOINT MEMORIAL NO. 8027

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425

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

There being no objection, the House adjourned until 9:00 a.m., Tuesday, February 29, 2000, the 51st Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTIETH DAY, FEBRUARY 28, 2000

JOURNAL OF THE HOUSE

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

FIFTY FIRST DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, February 29, 2000

The House was called to order at 9:00 a.m. by Speaker Pro Tempore Ogden. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Melissa Newell and Nathalie Hohn. Prayer was offered by Representative Brad Benson.

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

MESSAGE FROM THE SENATE

February 28, 2000

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2397,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2617,

HOUSE BILL NO. 2848,

and the same are herewith transmitted.

Tony M. Cook, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4770, by Representatives Edmonds, Kagi, Quall, McIntire and Conway

WHEREAS, It is the policy of the Washington State Legislature to recognize the contributions of individuals who reflect the standards of excellence that enhance the well-being and quality of life of the citizens of the State of Washington; and

WHEREAS, Michelle Akers, graduate of Shorecrest High School in Shoreline, has displayed exceptional leadership on and off the soccer field, inspiring countless young women and men with her sportsmanship, determination, and world-class skills; and

WHEREAS, Michelle has shown a generation of young women how to play and win together through discipline, finesse, and perseverance; and

WHEREAS, Michelle has devoted much of her time to educating the public about chronic fatigue syndrome as well as volunteering with youth soccer camps and programs; and

WHEREAS, Michelle has been praised by so many, including President William Jefferson Clinton and Governor Gary Locke, has been called a "champion in the very best sense of the word" by the Seattle Post-Intelligencer newspaper, and has been named one of Sports Illustrated's sportswomen of the year; and

WHEREAS, Michelle scored the final goal against a strong Brazilian squad with a deadly penalty kick in that 2-0 victory and later proclaimed, "Those are the moments you live for in this sport"; and

WHEREAS, Michelle, after being knocked unconscious by her teammate and then put on an IV in the tough championship match against a powerful Chinese team, still managed to join her teammates to celebrate their hard-earned and well-deserved World Cup victory in front of 40 million TV watchers and the largest audience ever assembled to see a women's sporting event;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Michelle Akers for her leadership and extraordinary achievement in sports, for her dedication to community service, and for being an outstanding representative of the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Michelle Akers.

There being no objection, House Resolution No. 2000-4770 was adopted.

HOUSE RESOLUTION NO. 2000-4773, by Representatives Wensman, Tokuda, Santos and O'Brien

WHEREAS, It is the policy of the Legislature to honor excellence in every field of endeavor; and

WHEREAS, The O'Dea High School Boys Swim Team won the 2000 AAA Washington State Swim Championship; and

WHEREAS, The O'Dea High School Boys AAA Swim Team State Championship participants were Ross Buffington, Isaac Burdick, Nathan Burdick, Joel DiCola, Kailean Gorman, Matt Lumb-Mielke, Alex Lykken, Chris Monson, Derek Punsalan, Rod Rombauer, Matt Van Winkle, and Michael Wensman; and

WHEREAS, The O'Dea Irish swimmers have exemplified to their classmates the success that is possible in any field of endeavor when clear goals are established and when persistent effort is made towards those goals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the O'Dea High School Swim Team for their hard work, dedication, and sacrifice in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That Head Coach Tom Schutte and Assistant Coaches Ed Artis and Mary Meyer be recognized for their leadership; and

BE IT FURTHER RESOLVED, That Head Coach Tom Schutte be recognized for being named "Coach of the Year" by his peers; and

BE IT FURTHER RESOLVED, That Team Captains Ross Buffington, Chris Monson, and Michael Wensman be recognized for their leadership; and

BE IT FURTHER RESOLVED, That O'Dea swimmer Ross Buffington be recognized for being named "Swimmer of the Year," setting records in the 200 freestyle and the 500 free; and

BE IT FURTHER RESOLVED, That the teachers, classmates, and parents of the team members be recognized for the important part they played in helping these student athletes excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the O'Dea High School Principal, Br. D.D. Murray, and Athletic Director, Monte Kohler, and to each of the coaches and members of the O'Dea High School Boys Swim Team that participated on the State Championship Swim Team.

Representative Wensman moved adoption of the resolution.

Representatives Wensman, O'Brien and Tokuda spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4773 was adopted.

HOUSE RESOLUTION NO. 2000-4761, by Representatives O'Brien, McIntire, Kenney, Santos, Tokuda, Ballasiotes, Murray, Lovick and Veloria

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Holy Names Academy Cougar Soccer Team, from Seattle, won the 1999 Class AAA State Soccer Championship; and

WHEREAS, The Holy Names Academy Athletic Program was honored by receiving the 1998-99 Metro League Sportsmanship Recognition Award for excellence in Sportsmanship on and off the playing arena; and

WHEREAS, The Holy Names Academy prides itself on achievement in a stellar Academic program, recognizing the importance of balancing Academics and Athletics; and

WHEREAS, The Holy Names Academy Soccer coaches showed leadership and skill in focusing their team on accomplishing their goal of winning the State AAA Soccer Championship; and

WHEREAS, Captains Jennifer Bosa, Courtney Caughey, and Heidi Safadago contributed greatly to winning the class AAA Championship with their leadership and perseverance; and

WHEREAS, The Cougar Soccer Team wishes to acknowledge the dedication of the Seniors for their loyalty and contributions to the Holy Names Academy Soccer program;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Holy Names Academy Cougar Soccer Team and Coach Julie Raney and her assistant coaches for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Coach Julie Raney, the members of the Holy Names Academy Cougar Soccer Team, and the principal and the faculty of Holy Names Academy.

Representative Kenney moved adoption of the resolution.

Representatives Kenney, Kessler and McIntire spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4761 was adopted.

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

SECOND READING

ENGROSSED SENATE BILL NO. 5152, by Senators Kline, Fairley, Costa, Gardner and Goings

Clarifying who are appointed personnel for the purpose of public employees' collective bargaining.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Mastin spoke in favor of passage of the bill.

MOTION

On motion of Representative Schoesler, Representative Alexander was excused.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5152.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5152 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representatives B. Chandler, Lisk and Thomas - 3.

Excused: Representative Alexander - 1.

Engrossed Senate Bill No. 5152, having received the constitutional majority, was declared passed.

Speaker Chopp assumed the chair.

SUBSTITUTE SENATE BILL NO. 5408, by Senate Committee on Ways & Means (originally sponsored by Senators Benton, Hale, Shin, Winsley, Patterson and Rossi)

Creating a state medal of valor.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmidt and Haigh spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5408.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5408 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Substitute Senate Bill No. 5408, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5518, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen, Eide, Goings and Winsley)

Establishing a youth athletic facility account to help fund community outdoor athletic facilities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Edwards spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5518, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5518, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Substitute Senate Bill No. 5518, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5667, by Senators West and Heavey

Increasing the number of untaxed complimentary tickets available for boxing, kickboxing, martial arts, and wrestling.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Wood spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Senate Bill No. 5667.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5667 and the bill passed the House by the following vote: Yeas - 80, Nays - 17, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Huff, Kastama, Kessler, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Sullivan, Sump, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods and Mr. Speaker Chopp - 80.

Voting nay: Representatives Bush, Hatfield, Hurst, Kagi, Keiser, Kenney, Koster, Lambert, Lantz, McIntire, Pennington, Poulsen, Quall, Schual-Berke, Stensen, Thomas and Mr. Speaker Ballard - 17.

Excused: Representative Alexander - 1.

Engrossed Senate Bill No. 5667, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6138, by Senators Johnson, Heavey and Gardner

Modifying disclaimer of interests under the probate and trust laws.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Constantine spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6138.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6138 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Senate Bill No. 6138, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6139, by Senators Johnson, Heavey and Gardner

Modifying estate tax apportionment.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Constantine spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6139.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6139 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Senate Bill No. 6139, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6140, by Senators Johnson, Heavey and Gardner

Updating probate and trust laws.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Esser and Constantine spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6140.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6140 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Senate Bill No. 6140, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6147, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen, Swecker, Thibaudeau, McAuliffe, Oke and Kohl-Welles)

Creating the Washington state parks gift foundation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Anderson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6147.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6147 and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood and Mr. Speaker Chopp - 87.

Voting nay: Representatives B. Chandler, G. Chandler, Eickmeyer, Lisk, Mulliken, Rockefeller, Schoesler, Thomas, Woods and Mr. Speaker Ballard - 10.

Excused: Representative Alexander - 1.

Substitute Senate Bill No. 6147, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6182, by Senate Committee on Judiciary (originally sponsored by Senators McCaslin and Costa)

Specifying the effect that changes in law will have on sentencing provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson, O'Brien and Ballasiotes spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6182.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6182 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Substitute Senate Bill No. 6182, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6186, by Senate Committee on Judiciary (originally sponsored by Senators Heavey, Johnson and Gardner)

Revising Article 9 of the Uniform Commercial Code.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Esser spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6186.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6186 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Substitute Senate Bill No. 6186, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6206, by Senators Spanel, Gardner, Kohl-Welles, Jacobsen, Prentice, Fairley, Wojahn, Goings, Costa, McAuliffe, Haugen, Winsley and Kline

Requiring that schools be notified of firearm violations by students.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stensen and Talcott spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6206.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6206 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Senate Bill No. 6206, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL No. 6217, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Costa and Winsley)

Changing provisions relating to dependent children.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda and D. Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6217, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6217, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Engrossed Substitute Senate Bill No. 6217, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6218, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long and Costa)

Making technical and clarifying amendments to the family reconciliation act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tokuda and D. Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6218, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6218, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Engrossed Substitute Senate Bill No. 6218, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6223, by Senators Hargrove, Long, Costa and Kohl-Welles; by request of Sentencing Guidelines Commission

Reorganizing sentencing provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6223.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6223 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Senate Bill No. 6223, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6276, by Senate Committee on State & Local Government (originally sponsored by Senator Snyder)

Authorizing inclusion of cities and towns within emergency medical service districts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Edwards spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6276.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6276 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Substitute Senate Bill No. 6276, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6307, by Senators Morton, Haugen, Honeyford, T. Sheldon, Gardner, Sellar and Hochstatter

Changing provisions relating to county roads that cross county boundaries.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6307.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6307 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,

Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Senate Bill No. 6307, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6336, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Sheahan and Costa; by request of Department of Corrections)

Eliminating retroactive tolling provisions for restitution/legal financial obligations and allowing tolling for other forms of supervision.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was adopted. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6336, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6336, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Substitute Senate Bill No. 6336, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6347, by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Winsley and Gardner)

Creating small works roster provisions to award public works contracts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Schmidt spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6347.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6347 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Alexander - 1.

Engrossed Substitute Senate Bill No. 6347, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6349, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Eide, Morton, Swecker, Prentice, Fraser, McAuliffe and Rasmussen)

Extending the expiration date of the water well delegation program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and G. Chandler spoke in favor of passage of the bill.

MOTION

On motion of Representative Wolfe, Representative Santos was excused.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6349.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6349 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Substitute Senate Bill No. 6349, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6366, by Senators Brown, Hochstatter, Roach, Spanel, Shin, Prentice, Costa, Kohl-Welles, McAuliffe, Fraser, Thibaudeau, B. Sheldon, T. Sheldon, Bauer, Eide, Jacobsen, Gardner, Haugen, Patterson, Rasmussen, Winsley and Oke

Prohibiting false advertising through electronic communication.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman and Crouse spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6366.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6366 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Senate Bill No. 6366, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6378, by Senators Fraser, Brown and Snyder; by request of Department of Emergency Management

Extending the tenure of the enhanced 911 advisory committee.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ruderman and Crouse spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6378.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6378 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Senate Bill No. 6378, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6429, by Senators Patterson and Horn; by request of Secretary of State

Changing statutes that effect the productivity board.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and McMorris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6429.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6429 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Senate Bill No. 6429, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6467, by Senate Committee on Transportation (originally sponsored by Senators Goings, Haugen, Eide, Sellar and Winsley)

Reversing the 1999 license fraud law.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fisher spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6467, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6467, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Substitute Senate Bill No. 6467, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6555, by Senators Long, Hargrove, Patterson, Costa, Eide, Winsley and Kohl-Welles

Ordering a study of evaluations of children needing long-term care.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Sommers and Tokuda spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Senate Bill No. 6555, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6555, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Engrossed Senate Bill No. 6555, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6557, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Winsley, Shin, Benton, Roach, Kohl-Welles and T. Sheldon)

Allowing credit unions to conduct raffles.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and B. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6557, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6557, as amended by the House, and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 87.

Voting nay: Representatives Bush, DeBolt, Dunn, Esser, Fortunato, Hurst, Koster, Lambert, Sump and Thomas - 10.

Excused: Representative Santos - 1.

Substitute Senate Bill No. 6557, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6570, by Senators Hargrove, Costa and Long

Providing additional judicial authority in truancy petitions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stensen and Talcott spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6570, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6570, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Senate Bill No. 6570, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6622, by Senators Shin, Rasmussen, Kohl-Welles, Sheahan, McAuliffe, Prentice, B. Sheldon, Winsley, Finkbeiner, Benton, Fairley, Eide, Goings, Bauer, Franklin, Haugen,

Gardner, Loveland, T. Sheldon, Jacobsen, Hargrove, Kline, Fraser, Heavey, Patterson, Hale and Roach

Designating Asian Pacific American Heritage Month.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Miloscia spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6622.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6622 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Bush - 1.

Excused: Representative Santos - 1.

Senate Bill No. 6622, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6642, by Senators Benton, Heavey, Shin and Oke

Preventing a registered sex offender from holding a real estate appraiser license or certificate.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and B. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6642.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6642 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Senate Bill No. 6642, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6643, by Senate Committee on State & Local Government (originally sponsored by Senators Hargrove, Snyder, Rasmussen and Oke)

Modifying growth management planning population requirements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Edwards spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6643.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6643 and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Voting nay: Representatives Anderson, Cody, Cooper, Fisher, Kenney, Murray and Veloria - 7.

Excused: Representative Santos - 1.

Substitute Senate Bill No. 6643, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6667, by Senators Haugen, Swecker, Gardner, Morton, Sellar, Sheahan, Benton and Winsley

Exempting certain commercial vehicles from replacing license plates.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6667.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6667 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Senate Bill No. 6667, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6678, by Senators Rasmussen, Roach, Patterson, West, Heavey, Deccio, Winsley, Honeyford, Snyder, Morton, T. Sheldon, Benton, Johnson, Gardner, McDonald, Stevens, Eide, Kohl-Welles, Bauer, Sheahan, Thibaudeau and Shin

Repealing parimutuel wagering sunset provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Wood spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6678.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6678 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Senate Bill No. 6678, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5366, by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, McCaslin, Oke, Horn, Goings and Bauer)

Changing scoring criteria for veterans' employment examinations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia, Campbell and Dunshee spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5366.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5366 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Substitute Senate Bill No. 5366, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5932, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Bauer, Rossi, West, Hale and Rasmussen)

Changing provisions relating to bond debt service payments from the community and technical college capital projects account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5932.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5932 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Substitute Senate Bill No. 5932, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6237, by Senator Fairley; by request of Employment Security Department
Modifying who may deduct processing fees for certain payroll deductions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6237.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6237 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Senate Bill No. 6237, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6275, by Senators McAuliffe and Zarelli; by request of Public Works Board

Providing loans for certain public works projects.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6275.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6275 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Senate Bill No. 6275, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6687, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Winsley, McDonald and T. Sheldon)

Allowing port districts to acquire insurance coverage.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Edwards spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6687.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6687 and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Kenney, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Woods and Mr. Speaker Ballard - 86.

Voting nay: Representatives Constantine, Dickerson, Kagi, Keiser, Kessler, Miloscia, Poulsen, Schual-Berke, Stensen, Veloria and Mr. Speaker Chopp - 11.

Excused: Representative Santos - 1.

Substitute Senate Bill No. 6687, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6741, by Senators Horn, Fairley, Winsley and Oke; by request of Washington State Patrol

Adding the secretary of corrections to the organized crime advisory board.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6741.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6741 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Senate Bill No. 6741, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6811, by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Jacobsen, Shin, B. Sheldon, Winsley, McAuliffe, Roach, Thibaudeau, Spanel, Bauer and Goings)

Providing for sick leave and leave sharing for part-time academic employees at community and technical colleges.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For committee amendment, see Journal, 46th Day, February 24, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Dunn spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute Senate Bill No. 6811, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6811, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Second Substitute Senate Bill No. 6811, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Spanel, Gardner, Oke, Brown, Swecker, Franklin, Kline, B. Sheldon, Shin, Bauer, Eide, Patterson, Haugen, Costa, Kohl-Welles, Rasmussen, Fairley, McAuliffe, Prentice, Fraser, Goings, Hale and Winsley)

Requesting federal assistance in ensuring pipeline safety.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Cooper, G. Chandler and Linville spoke in favor of passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Joint Memorial No. 8017.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8017 and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Substitute Senate Joint Memorial No. 8017, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8019, by Senators Eide, Patterson, Johnson, Kohl-Welles, Rasmussen, McDonald, McAuliffe, Sellar, Roach, Kline, B. Sheldon and Gardner

Petitioning Congress to consider formula grants for gifted and talented education programs in its reauthorization of the Elementary and Secondary Education Act.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Schual-Berke and Talcott spoke in favor of passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of Senate Joint Memorial No. 8019.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8019 and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Senate Joint Memorial No. 8019, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8026, by Senate Committee on State & Local Government (originally sponsored by Senators Shin, Bauer, Heavey, Benton, Franklin, Eide,

Patterson, Kline, Johnson, Gardner, Thibaudeau, Rossi, Goings, Hargrove, B. Sheldon, Horn, Haugen, Hochstatter, T. Sheldon, Swecker, Jacobsen, Fairley, Rasmussen, Prentice, Snyder, Stevens, Loveland, Roach, Hale, Honeyford, Brown, Spanel, Fraser, Costa, McAuliffe, Kohl-Welles and Oke)

Commemorating the 50th anniversary of the Korean War.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Romero, Rockefeller, Campbell and Benson spoke in favor of passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Joint Memorial No. 8026.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8026 and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Substitute Senate Joint Memorial No. 8026, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425, by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles and Sheahan; by request of Higher Education Coordinating Board)

Adopting the recommendations of the higher education coordinating board's year 2000 update of the master plan.

The resolution was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was placed before the House for purposes of amendment. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

Representative Murray moved the adoption of the following amendment (563) to the committee amendment:

On page 3, after line 9 of the amendment, insert the following:

"BE IT FURTHER RESOLVED, That a joint select committee on the future facility needs of higher education be established to review the proposed higher education enrollment levels in the state master plan, review the facility needs for future students, and review the funding options for additional higher education facilities in the state. The committee shall consist of eight members, four members each selected by the President of the Senate and the Co-Speakers of the House of Representatives and that the committee include members from the House Capital Budget Committee, House Appropriations Committee, House Higher Education Committee, Senate Ways and Means Committee, and Senate Higher Education Committee. The joint select committee shall report its findings and recommendations to the legislature at the regular session held in 2001; and"

Representatives Murray and Carlson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

There being no objection, the committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representatives Kenney and Carlson spoke in favor of adoption of the resolution.

Speaker Chopp stated the question before the House to be final adoption of Engrossed Substitute Senate Concurrent Resolution No. 8425, as amended by the House.

ROLL CALL

The Clerk called the roll on the final adoption of Engrossed Substitute Senate Concurrent Resolution No. 8425, as amended by the House, and the resolution was adopted by the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Engrossed Substitute Senate Concurrent Resolution No. 8425, as amended by the House, having received the constitutional majority, was declared adopted.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6220, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Winsley, Deccio and Rasmussen)

Prohibiting unfair competition by motor vehicle dealers and manufacturers.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Conway spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6220, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6220, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Thomas - 1.

Excused: Representative Santos - 1.

Engrossed Substitute Senate Bill No. 6220, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6621, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, McCaslin, Kline, Long, Heavey, Haugen, Hargrove, Thibaudeau, Zarelli, Oke, Rasmussen and Kohl-Welles)

Creating a task force to study the interstate compact for adult offender supervision.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Criminal Justice & Correction was adopted. (For committee amendment, see Journal, 46th Day, February 24, 2000.)

Representative Ballasiotes moved the adoption of the following amendment (562):

On page 2, line 23, strike subsection (3) and insert "(3) Staff support for the task force shall be provided by the office of financial management. Legislators on the task force may use legislative staff from senate committee services and the office of program research."

Representatives Ballasiotes and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6621, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6621, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Santos - 1.

Substitute Senate Bill No. 6621, as amended by the House, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:00 a.m., Wednesday, March 1, 2000, the 52nd Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTY FIRST DAY, FEBRUARY 29, 2000

JOURNAL OF THE HOUSE

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

FIFTY SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 1, 2000

The House was called to order at 9:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

Speaker Ballard assumed the chair.

The flag was escorted to the rostrum by the Tahoma National Cemetery Honor Guard, followed by members of the Veterans' Legislative Coalition. The Speaker led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Kevin McCuen, Christ Church of Kirkland.

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

MESSAGES FROM THE SENATE

February 29, 2000

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2022,
HOUSE BILL NO. 2031,
ENGROSSED HOUSE BILL NO. 2322,
HOUSE BILL NO. 2328,
HOUSE BILL NO. 2329,
HOUSE BILL NO. 2333,
SUBSTITUTE HOUSE BILL NO. 2358,
SUBSTITUTE HOUSE BILL NO. 2423,
SUBSTITUTE HOUSE BILL NO. 2493,
HOUSE BILL NO. 2496,

HOUSE BILL NO. 2516,
HOUSE BILL NO. 2519,
HOUSE BILL NO. 2532,
HOUSE BILL NO. 2535,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2589,
SUBSTITUTE HOUSE BILL NO. 2590,
HOUSE BILL NO. 2607,
HOUSE BILL NO. 2630,
HOUSE BILL NO. 2660,
HOUSE BILL NO. 2722,
HOUSE BILL NO. 2765,
SUBSTITUTE HOUSE BILL NO. 2899,
HOUSE BILL NO. 2926,
HOUSE JOINT MEMORIAL NO. 4022,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 29, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6067,
SUBSTITUTE SENATE BILL NO. 6304,

and the same are herewith transmitted.

Tony M. Cook, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4766, by Representatives D. Schmidt, Benson, Thomas, Bush, Morris, Carlson, G. Chandler, McDonald, Barlean, Talcott, Hatfield, Conway, Fortunato, Wensman, Dunn, Lovick, Koster, Regala, Esser and Stensen

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in service and contribution to the great state of Washington; and

WHEREAS, Washington State veterans have demonstrated excellence in serving and contributing to the citizens of the great state of Washington by their principled and unsparing efforts on our behalf; and

WHEREAS, Washington State veterans selflessly pledged their lives to defend the Stars and Stripes, the flag of these United States of America, and all that the flag represents - a constitutional, representative, democratic republic, the rule of law, free enterprise, family, and faith - fundamental values and ideals that make this country the greatest nation in the world; and

WHEREAS, Washington State veterans proudly and boldly protected and promoted the blessings of Divine Providence, the unwavering strength of representative government, the radiant light of freedom, the resounding ring of justice, and the perennial promise of liberty for all; and

WHEREAS, Washington State veterans as valiant and courageous American men and women serving in our Armed Forces guaranteed the things we hold dear even forfeiting the very breath of life itself in battles both far and near, in recent times and long ago; and

WHEREAS, Washington State veterans generously provided the American Flags that are prominently installed and displayed alongside our State Flag in all public rooms and places of the legislature as a testament to the ideals it embodies and to honor the sacrifices that have ensured our legislative process wherein elected representatives doing the "People's work" may continue;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor all the veterans of Washington State and express gratitude to the Washington State Ex-POW's, American Legion, Veterans of Foreign Wars, Northwest Chapter of The Chosen Few, Disabled American Veterans, Kitsap County Veterans Coalition, Retired Officers Association, Military Order of Purple Hearts, Paralyzed Veterans of America, and Military Order of World Wars, American Merchant Marine Veterans and their respective members, for their sacrifices, for the example of inspiration they have set for others, and for providing the House of Representatives of the great state of Washington with American Flags; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to each of the distinctive organizations indicated in this resolution.

Representative Schmidt moved adoption of the resolution.

Representatives Schmidt and Conway spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4766 was adopted.

HOUSE RESOLUTION NO. 2000-4771, by Representatives Edmonds, Kagi, Pflug, Thomas, Alexander, DeBolt, Woods, Rockefeller, Morris, Quall, Kenney, McIntire, Skinner, Clements, Bush, Campbell, D. Sommers, Benson, Anderson, Barlean, Constantine, Poulsen, Ogden, D. Schmidt, G. Chandler, McDonald, Talcott, Hatfield, Wensman, Dunn, Lovick, Koster, Regala, Esser and Stensen

WHEREAS, Jacques Chirac, President of the French Republic, on the occasion of the 80th anniversary of Armistice Day ending hostilities in World War I, November 11, 1998, honored eleven veterans of the state of Washington by conferring on them France's highest military and civil decoration, the national order of the Legion of Honor; and

WHEREAS, The United States of America, upon entering the Great War as an ally on April 6, 1917, gave decisive support to French soldiers defending their country, including 1.2 million American combatants who earned particular distinction in actions at the Saint-Mihiel salient and in the Meuse-Argonne offensive; and

WHEREAS, The remains of 14,246 American combatants who died in France now repose in the Meuse-Argonne cemetery, a memorial site symbolizing the gratitude of the French people for the supreme sacrifice they made for the noble cause of a just and lasting peace in Europe; and

WHEREAS, The Treaty of Friendship and Alliance of 1778 between France and the United States first recognized the sovereignty and independence of the American nation, and immense military

assistance rendered to America contributed significantly to the victories that assured the independence of the United States, subsequently ratified by the Treaty of Paris in 1783;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and salute the following veterans who fought on the soil of France with our allies in World War I for a lasting peace in Europe, which continues to evolve through the European Union, NATO, and international organizations dedicated to the peaceful resolution of disputes among nations, to wit:

Elgie Altimus, Poulsbo
Robert H. Benton, Tacoma
Robert S. Blackeney, Stanwood
Pet Crump, Issaquah
Charlie Gaupp, Seattle
Guy H. Gilbert, Burlington
Peter Gorseth, Spokane
Samuel Kunz, Shoreline
William J. Lake, Yakima
Wade Hubert Leroy, Morton, and
Mike Sholund, Seattle; and

BE IT FURTHER RESOLVED, That the House of Representatives applaud the noble gesture of the French President in recognizing our veterans serving in France with the accolade of the Legion of Honor, and express its profound gratitude to the French people for this high honor rendered to these veterans; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the veterans honored herein, to His Excellency, Jacques Chirac, President of the French Republic through its embassy consulates, to the state Department of Veterans Affairs, and to the Senate.

Representative Edmonds moved adoption of the resolution.

Representatives Edmonds, D. Sommers, Skinner, Kenney, Benson and Anderson spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4771 was adopted.

HOUSE RESOLUTION NO. 2000-4774, by Representatives Linville, Ericksen, Quall, Barlean and Wensman

WHEREAS, The Meridian High School Trojans, playing with the confidence of a team destined for renown, stormed to a convincing 57-14 victory over East Valley on December 4, 1999, to capture the Washington state 2A football championship; and

WHEREAS, In guiding a most impressive Tacoma Dome triumph, Meridian head coach Bob Ames tasted ultimate and well-deserved triumph when his squad capped this, the twenty-sixth year of his storied Meridian coaching career with a state gridiron crown; and

WHEREAS, Meridian, also the reigning North Cascades Conference powerhouse, captured all nine league battles, shutting out two of its rivals, holding six others to eight or less points, and allowing another foe just thirteen points; and

WHEREAS, The undefeated Meridian Trojans, every bit as dominant a force in postseason play as in league play, outscored opponents by a combined count of 230-71 in four playoff contests; and

WHEREAS, Coach Ames and his exemplary assistant-coaching staff so fired up the 1999 edition of Meridian High School football that the Trojans brought upward of two dozen 2A State Championship team and individual records home to the beautiful Laurel area of Whatcom County; and

WHEREAS, Just a few of the individual highlights included quarterback Jeff Bennum, who completed 25 of 33 pass attempts for 390 yards and five touchdowns; tight end Jarrod Karuza, who caught six passes for 124 yards and three touchdowns; wide receiver Eli Slesk, who caught 12 passes

for 153 yards and two touchdowns, and kicker Joel Pears, who booted five extra points and caught another pass for a two-point conversion; and

WHEREAS, An obviously inspired Meridian defense complemented the brilliant Trojan offense in the title tilt, holding the East Valley team to only nine first downs and forcing the second-place Red Devils to punt four times; and

WHEREAS, A tremendous band of highly athletic, spirited, and enthusiastic cheerleaders led a large contingent of extraordinarily supportive boosters who traveled from Laurel's Meridian school district and the surrounding area of Whatcom County to behold the state-wide prominence claimed by their gridiron mainstays; and

WHEREAS, Maneuvered by a formidable contingent of thirteen seniors, the thirty-seven member Meridian football squad has earned state-wide respect for a season not just highly successful in the black-and-white world of the standings, but very honorable for its dashing commitment to team and fair play behind those magic numbers of success;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington hails and heralds the Meridian Trojans for their undefeated, state championship football season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to head coach Bob Ames and his coaching staff, to the team captains, and to the administration at Meridian High School.

There being no objection, House Resolution No. 2000-4774 was adopted.

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

SECOND READING

SENATE BILL NO. 6285, by Senators Hargrove, Rasmussen, McAuliffe, Oke and Kohl-Welles

Establishing Pearl Harbor remembrance day.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Haigh spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Wolfe, Representatives Keiser and Santos were excused. On motion of Representative Buck, Representative Campbell was excused.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 6285.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6285 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff,

Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Excused: Representatives Campbell, Keiser and Santos - 3.

Senate Bill No. 6285, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8022, by Senators Rasmussen, Swecker, Bauer, Roach, Goings, Benton, B. Sheldon, Snyder, Hale, Oke, Gardner, Johnson, Long, McAuliffe, Deccio, Winsley, Zarelli, Kohl-Welles, T. Sheldon and Haugen

Recognizing America's World War II veterans.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Kastama, Barlean, Doumit, Pennington, D. Sommers, Veloria, Clements, McDonald, Mulliken and Regala spoke in favor of passage of the memorial.

Speaker Ballard stated the question before the House to be final passage of Senate Joint Memorial No. 8022.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8022 and the memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Keiser and Santos - 2.

Senate Joint Memorial No. 8022, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8027, by Senators Shin, Bauer, Heavey, Benton, Franklin, Eide, Patterson, Kline, Johnson, Gardner, Thibaudeau, Rossi, Goings, Hargrove, B. Sheldon, Horn, Haugen, Hochstatter, T. Sheldon, Swecker, Jacobsen, Fairley, Rasmussen, Prentice, Snyder, Hale, Stevens, Roach, Honeyford, Spanel, Loveland, Fraser, Brown, Costa, McAuliffe, Kohl-Welles and Oke

Commemorating the 50th anniversary of the Korean War.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

MOTION

On motion of Representative Morris, comments on Senate Joint Memorial No. 8027 were spread upon the Journal.

Representative Schmidt: "We have had a number of great comments today. This one is recognizing the fact that this year 50 years ago the Korean War started. As you all know, I am in the National Guard and that I'm very proud of that. Any of us who choose to put on an uniform to serve our country, in the back of our minds, there is always that thought "what happens if I'm going to be there in the conflict?" In reference to the representative from the 24th District, where he was during the Viet Nam War and the representative from the 10th District having served as a a grunt, I got my start in the National Guard as an Army grunt. For me personally the thing that I remember most was being activated during the Persian Gulf War. I will always remember the days when the person came running into our office, I was at Fort Irving, California and he said the bombs were dropping in Iraq. Regardless of who we are, for anyone who puts on the uniform whether it was a conflict, a police action or a declared war, those bullets are very real bullets. They are very real when you are there on the line in the front part of it. The Korean War is referred to as the "forgotten war". To the soldiers, the sailors, the airmen and the marines who served there, they don't forget it because they lived it. They'll live it for 50 years, for 60 years, for 70 years, until the day they die. And this memorial is to make sure that we don't forget the "forgotten war" 50 years after that conflict started. I would urge all the members to adopt this memorial. Thank you."

Representative Rockefeller: "Thank you very much, Mr. Speaker. I am pleased to join my colleague from the 44th District in urging support for this memorial. Yesterday we adopted a somewhat similar memorial addressed to the United States Congress, the President and the Secretary of Defense. Today we are speaking to a memorial intended to call to the attention of our own citizens here in Washington, the memories of this war, and of the men and women who served in Korea and who continue to serve in Korea to this day. We may remember that this war was perhaps the first of the conflicts marking the beginning of the "Cold War". Prior to that time we were engaged in a great conflict with the Axis powers and that was resolved at the conclusion of War World II. This was a very different kind of conflict and it mark the beginning of a long 45-year period of cold war hostilities. It was unique not only as a "forgotten war" but also as a limited conflict. The very thought of a limited conflict after a total war was a very different and painful adjustment and controversial in its day and perhaps controversial to this day. Be that as it may, over a million and half men and women served in the Korean Conflict, and more than 500 of our State citizens shed their blood and lost their lives. Many more were wounded in casualties. We have much to remember and much to be thankful for their service. Thank you."

Representative D. Sommers: "Thank you, Mr. Speaker. I join in on this memorial as well. I mentioned earlier that I was too young to serve in the Second War World but I wasn't too young to serve in Korea. The Korean War broke out in June of 1950. I'd just finished high school, I was accepted in college and some of my friends even from my class decided to join that summer. Some of them didn't come back from Korea. I went on to college and thought that if the war continued I might have to go Korea. I took ROTC and advanced ROTC, and was commissioned as a Second Lieutenant. Sure enough I went to Korea but fortunately the shooting had stopped the year before. I spent a year and half in Korea and saw the ravages of war and the devastation that was caused by it. Also I will mention for one of the gentlemen in the gallery, I was in the 24th Division. We moved in and occupied some of the area that the First Marine Division had been in. I certainly have a lot of empathy for those

that actually were there during the shooting but that country has survived and has prospered from that war. War is something hopefully we will never have to do again. Thank you."

Representative Miloscia: "Thank you, Mr. Speaker. I also rise in supporting the fifty anniversary of commemorating the Korean War. I just want to make one point. This war is not over. Only a cease fire agreement was signed. This war is still going on. Fifty years right now and counting. We still have men and women that are living and ready to die for us overseas to make sure that this war ends. And the torch is now passed to our generation. Some day this war will be over and how this will affect us -- we will respond like the greatest generation responded at the end of World War II, go in help the people in both the North and South Korea. Remember the torch is passed to us. I urge your support for this memorial."

Speaker Ballard stated the question before the House to be final passage of Senate Joint Memorial No. 8027.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8027 and the memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Keiser and Santos - 2.

Senate Joint Memorial No. 8027, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4772, by Representatives Skinner, Kessler, Clements, Mitchell, Cox, Campbell, Dunn, Wensman, Radcliff, Kenney, Edwards, Cairnes, Esser, Hankins, Talcott, Ballasiotes, D. Sommers, Fisher, Dickerson, Linville, Benson, Quall, Tokuda, Doumit, Ruderman, Anderson, Eickmeyer, Lantz, Stensen, Haigh, Rockefeller, Keiser, Conway, Regala, Wolfe, Kagi, Murray, Santos, Schual-Berke, Thomas, D. Schmidt, Carlson and Lovick

WHEREAS, It is the policy of the Washington state legislature to recognize and honor the contributions of individuals who reflect standards of excellence that advance the well-being and quality of lives of the citizens of the state of Washington; and

WHEREAS, The National Endowment for the Arts and the Mid-Atlantic Arts Foundation have developed a program known as "Artists and Communities: America Creates for the Millennium"; and

WHEREAS, The Allied Arts Council of Yakima Valley and the entire Yakima Valley join a select group in receiving the millennium project designation, which is awarded to only one community in each state, with the Yakima Valley project representing the entire state of Washington; and

WHEREAS, The Yakima Valley is where prominent and recognized artist-in-residence, Wen-ti Tsen, of Cambridge, Massachusetts, will live and work for much of the year 2000, bringing his extraordinary talents which will have a significant impact on the people of the Yakima Valley and the whole state of Washington; and

WHEREAS, Artist-in-residence, Wen-ti Tsen, is a Chinese-American educator, sculptor, muralist, and mixed media artist, who has orchestrated community art projects from Boston to Moscow; and

WHEREAS, Artist-in-residence, Wen-ti Tsen, began using art to study society, then increasingly, began doing community and public art projects and using oral history, painting, and installations to integrate personal and community expression, centering on cultural diversity; and

WHEREAS, Artist-in-residence, Wen-ti Tsen, will use local stories to create works of public art that will celebrate our people's experience of creating and sustaining a community; and

WHEREAS, Artist-in-residence, Wen-ti Tsen, will coordinate a valley-wide effort to develop an art-based project using the theme of water, "The lifesource of the Yakima Valley and so much of our state"; and

WHEREAS, Artist-in-residence, Wen-ti Tsen, will bring people of all ages, cultures, and backgrounds to direct involvement in designing, developing, and implementing multiple artistic endeavors around the theme of water; and

WHEREAS, Artist-in-residence, Wen-ti Tsen, believes art is an important part of everyday life, a way individuals express their experiences and aspirations, an educational tool that can help change young peoples' attitudes, and provide them with a different perspective, and a bridge to support and instruct others on issues that affect their lives;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives express its sincere gratitude and appreciation to the Allied Arts Council of Yakima Valley for its successful efforts in bringing the nation-wide Millennium "Artist-in-Residence" program and internationally recognized artist, Wen-ti Tsen, as its "Artist-in-Residence" to the Yakima Valley and the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to artist-in-residence, Wen-ti Tsen, the Allied Arts Council of Yakima Valley, the city of Yakima, and the Yakima County commissioners.

Representative Skinner moved adoption of the resolution.

Representatives Skinner, Kessler and Clements spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4772 was adopted.

Speaker Ballard called upon Representative Pennington to preside.

SECOND READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5610, by Senate Committee on Transportation (originally sponsored by Senators Prentice, Finkbeiner, T. Sheldon and Costa)

Authorizing the director of the department of licensing to impose a civil penalty for a violation of chapter 46.70 RCW.

The bill was read the second time.

Representative Fisher moved the adoption of the following amendment (566):

On page 2, after line 12, insert the following:

"**Sec. 2.** RCW 46.70.028 and 1989 c 337 § 13 are each amended to read as follows:

Dealers who transact dealer business by consignment shall obtain a consignment contract for sale and shall comply with applicable provisions of chapter 46.70 RCW. The dealer shall place all funds received from the sale of the consigned vehicle in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the vehicle from these funds. Where title has been delivered to the purchaser, the dealer shall pay the amount due a consignor within ten days

after the sale. However, in the case of a consignment from a licensed vehicle dealer from any state, the wholesale auto auction shall pay the consignor within twenty days.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Fisher and Clements spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5610, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5610, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Voloria, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 90.

Voting nay: Representatives Barlean, Dunn, Ericksen, Koster, Sump, Thomas, Van Luven and Wensman - 8.

Second Engrossed Substitute Senate Bill No. 5610, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6351, by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Heavey, Long, Shin, Thibaudeau, Sheahan and Costa)

Providing additional authority for superior court commissioners.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6351.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6351 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6351, having received the constitutional majority, was declared passed.

SENATE BILL No. 6748, by Senators Sellar, Patterson, McCaslin and T. Sheldon

Increasing local government debt limits to finance capital facilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Edwards spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 6748.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6748 and the bill passed the House by the following vote: Yeas - 86, Nays - 12, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Van Luven, Veloria, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 86.

Voting nay: Representatives Barlean, Cox, Ericksen, Esser, Fortunato, Koster, Lambert, Schoesler, D. Sommers, Sump, Thomas and Wensman - 12.

Senate Bill No. 6748, having received the constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 4428, by Representatives Conway, D. Schmidt, O'Brien, Campbell, Lovick, Miloscia, Talcott, Bush, Woods, Haigh, Radcliff, Kenney, Kessler, Rockefeller, Santos and Skinner

Creating a joint select committee on veterans and military affairs.

The bill was read the second time. There being no objection, Substitute House Concurrent Resolution No. 4428 was substituted for House Concurrent Resolution No. 4428 and the substitute resolution was placed on the second reading calendar.

Substitute House Concurrent Resolution Bill No. 4428 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representatives Conway, Schmidt, Campbell and Haigh spoke in favor of passage of the resolution.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Concurrent Resolution No. 4428.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Concurrent Resolution No. 4428 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Concurrent Resolution No. 4428, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5330, by Senate Committee on Higher Education (originally sponsored by Senators Brown, Goings, Franklin, Patterson, Eide, B. Sheldon, Winsley, Costa, Oke, Bauer and Rasmussen)

Treating active duty military personnel as residents for purposes of higher education tuition.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney, Carlson, Talcott, Eickmeyer, Barlean, Lantz and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5330.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5330 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 5330, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6121, by Senators Wojahn, Deccio, Thibaudeau, Winsley, Fairley, Rasmussen, Patterson and Kohl-Welles

Continuing the diabetes cost reduction act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 6121.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6121 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Senate Bill No. 6121, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6154, by Senators Costa, McCaslin, Patterson and Gardner

Allowing county clerks to accept credit cards.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Local Government was adopted. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edwards and Mielke spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 6154, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6154, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Lisk, Mastin, Parlette, Pennington and Schoesler - 5.

Senate Bill No. 6154, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6160, by Senators Snyder, Loveland and Sellar

Paying travel expenses for certain state investment board applicants.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doumit and Lisk spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 6160.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6160 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Voting nay: Representative Sullivan - 1.

Senate Bill No. 6160, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6210, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, Morton, Eide, Jacobsen, Fairley, Prentice, McAuliffe, Winsley, Franklin, Kline, Spanel and Kohl-Welles)

Making technical and clarifying amendments to oil spill prevention and response statutes.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Agriculture & Ecology was adopted. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooper and G. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6210, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6210, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6210, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6233, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, McDonald, Loveland, Deccio, Snyder, Spanel, Winsley, Rasmussen, Gardner, Costa, Hale, McAuliffe and Kline)

Changing developmental disabilities endowment trust fund provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Sommers and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6233.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6233 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6233, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6255, by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Prentice, Morton, Franklin, Heavey, Brown and Goings)

Prescribing penalties for unlawful possession and storage of anhydrous ammonia.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Criminal Justice & Corrections was adopted. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDonald and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 6255, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6255, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Second Substitute Senate Bill No. 6255, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6357, by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Horn, Haugen, Honeyford, Loveland, Winsley, Kline, McCaslin, Gardner and Spanel)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmidt and Edwards spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6357.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6357 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6357, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on Substitute Senate Bill No. 6361, and the bill held its place on the Second Reading calendar.

SUBSTITUTE SENATE BILL NO. 6382, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, McCaslin, Long, Costa, Winsley, Rasmussen, Kohl-Welles and McAuliffe; by request of Attorney General)

Protecting dependent persons.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6382.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6382 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6382, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6361, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Zarelli, Hargrove, Hale, Honeyford, McCaslin, Hochstatter, Swecker, Johnson, Roach, Stevens, Oke, Benton and Kohl-Welles)

Protecting children at the state school for the deaf and the state school for the blind from abuse and neglect.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Sommers, Tokuda, Carlson, Ogden and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6361, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6361, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6361, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6389, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove and Long)

Extending juvenile court jurisdiction over permanency planning matters in dependency proceedings.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Hurst spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6389.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6389 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute Senate Bill No. 6389, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6487, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Sheahan and Winsley; by request of Department of Social and Health Services and Department of Corrections)

Providing for the release of mental health information under certain circumstances.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Criminal Justice & Corrections was adopted. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6487, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6487, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute Senate Bill No. 6487, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6534, by Senators Bauer, Winsley, Long, Franklin, Honeyford, Fairley, Haugen, Rasmussen, Jacobsen, McAuliffe, Goings, Patterson, Eide, Kohl-Welles, Stevens, B. Sheldon, Gardner and Spanel; by request of Joint Committee on Pension Policy

Establishing eligibility for the employee attendance incentive program.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 50th Day, February 28, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson, Doumit and Alexander spoke in favor of passage of the bill.

Representative Cox spoke against the passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 6534, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6534, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 92.

Voting nay: Representatives Cox, Lisk, Mastin, Schoesler, Sump and Thomas - 6.

Senate Bill No. 6534, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6683, by Senate Committee on Transportation (originally sponsored by Senators Franklin, Kline, Heavey, Thibaudeau and Costa)

Reporting information on routine traffic enforcement.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 6683.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6683 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner,

D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Voting nay: Representative Bush - 1.

Engrossed Second Substitute Senate Bill No. 6683, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6731, by Senate Committee on Ways & Means (originally sponsored by Senators Spanel and Gardner)

Creating a Lake Whatcom landscape plan.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources was adopted. (For committee amendment, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Buck, Morris, Quall, Ericksen, Eickmeyer, Dunshee and Linville (again) spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 6731, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6731, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Second Substitute Senate Bill No. 6731, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6770, by Senators Kohl-Welles, Sheahan and Costa; by request of State Board for Community and Technical Colleges

Allowing exceptional faculty awards to be used for faculty development and in-service training.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Carlson spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 6770.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6770 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Voting nay: Representative Lisk - 1.

Senate Bill No. 6770, having received the constitutional majority, was declared passed.

SENATE JOINT RESOLUTION NO. 8214, by Senators Wojahn, McDonald, Loveland and Winsley

Amending the Constitution to allow certain trust fund moneys to be invested as authorized by the legislature.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representative Huff spoke in favor of passage of the resolution.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Joint Resolution No. 8214.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8214 and the resolution passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Senate Joint Resolution No. 8214, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6740, by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Long, Hale, Kohl-Welles and Rasmussen; by request of Washington State Patrol)

Providing service credit for certain members of the Washington state patrol retirement system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Doumit spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6740.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6740 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6740, having received the constitutional majority, was declared passed.

Speaker Ballard assumed the chair.

SENATE BILL NO. 6190, by Senators Patterson, Horn, Haugen, Johnson, Costa, Goings, McCaslin and Winsley

Promoting expeditious resolution of public use disputes in eminent domain proceedings.

The bill was read the second time.

There being no objection, amendment (599) was withdrawn.

Representative DeBolt moved the adoption of the following amendment (602):

On page 2, after line 14, insert the following:

"NEW SECTION. Sec. 2. (1) The legislature finds that there is a need to study the use of eminent domain and its application under contemporary jurisprudence. It is the intent of the legislature

to create a joint study group to study ways to expedite resolution of public use disputes in eminent domain proceedings.

(2) The study group shall consist of two legislators from each caucus of the senate and house of representatives, as appointed by leaders of the each caucus respectively.

(3) The study group shall review the need, use, application, and effects of eminent domain, current case law on eminent domain, the impact on the courts of the exercise of eminent domain, and ways to expedite resolution of public use disputes in eminent domain proceedings.

(4) The study group shall review other issues related to eminent domain as desired by the study group.

(5) House office of program research and senate committee services shall provide staff and administrative support for the study group.

(6) This section shall expire December 31, 2000."

Representative DeBolt spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Hurst spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 6190, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6190, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Voting nay: Representative Thomas - 1.

Senate Bill No. 6190, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6559, by Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Swecker, McAuliffe, Finkbeiner, Eide, Hochstatter, Bauer, Zarelli, Goings, Rasmussen, Oke, Winsley and Roach)

Notifying parents of school programs leading to college credit.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was not adopted. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

Representative Cox moved the adoption of the following amendment (585):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning with the 2000-01 school year, the superintendent of public instruction shall notify senior high schools and any other public school that includes ninth grade of the names and contact information of public and private entities offering programs leading to college credit, including information about online advanced placement classes, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the 2000-01 school year, each senior high school and any other public school that includes ninth grade shall publish annually and deliver to each parent with children enrolled in ninth through twelfth grades, information concerning the entrance requirements and the availability of programs in the local area that lead to college credit, including classes such as advanced placement, running start, tech-prep, skill centers, college in the high school, and international baccalaureate programs. The information may be included with other information the school regularly mails to parents. In addition, each senior high school and any other public school that includes ninth grade shall enclose information of the names and contact information of other public or private entities offering such programs, including online advanced placement programs, to its ninth through twelfth grade students if the school has knowledge of such entities."

Correct the title.

Representatives Cox and Quall spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson, Quall and Haigh spoke in favor of passage of the bill.

Representative Thomas spoke against the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6559, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6559, as amended by the House, and the bill passed the House by the following vote: Yeas - 76, Nays - 22, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Bush, Campbell, Carlson, Carrell, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lovick, McDonald, McIntire, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Van Luven, Veloria, Wolfe, Wood, Woods and Mr. Speaker Chopp - 76.

Voting nay: Representatives Boldt, Buck, Cairnes, B. Chandler, G. Chandler, Crouse, Dunn, Ericksen, Fortunato, Koster, Lisk, Mastin, McMorris, Mielke, Mitchell, Parlette, Pennington, Schindler, Sump, Thomas, Wensman and Mr. Speaker Ballard - 22.

Engrossed Substitute Senate Bill No. 6559, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6644, by Senate Committee on State & Local Government (originally sponsored by Senators Goings, Prentice, Fairley, Rasmussen, Haugen and Costa)

Making technical corrections to fire protection laws.

The bill was read the second time.

There being no objection, amendment (564) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benson, Hatfield and Carlson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6644.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6644 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6644, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6244, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, McCaslin, Kline, Long, Prentice, Zarelli, Fairley, Gardner, Thibaudeau, Heavey, Goings, Kohl-Welles, McAuliffe and Winsley)

Extending juvenile court jurisdiction for the purpose of enforcing penalty assessments.

The bill was read the second time.

Representative Dickerson moved the adoption of the following amendment (589):

On page 1, beginning on line 6, strike all of section 1

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 3, beginning on line 1, strike all of section 4 and insert the following:

"Sec. 4. RCW 7.68.035 and 1999 c 86 s 1 are each amended to read as follows:

(1)(a) (~~Whenever~~) When any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(b) (~~Whenever~~) When any juvenile is adjudicated of any offense in any juvenile offense disposition under Title 13 RCW, except as provided in subsection (2) of this section, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action that includes one or more adjudications for a felony or gross misdemeanor and seventy-five dollars for each case or cause of action that includes adjudications of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) (~~Whenever~~) When any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer who shall monthly transmit the money as provided in RCW 10.82.070. Each county shall deposit fifty percent of the money it receives per case or cause of action under subsection (1) of this section and retains under RCW 10.82.070, not less than one and seventy-five one-hundredths percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection (7) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's

proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.46.120, 3.50.100, and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representative Dickerson spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6244, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6244, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6244, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6251, by Senators Rasmussen, Morton, Swecker and Stevens; by request of Department of Agriculture

Regulating horticultural plants and facilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and B. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 6251.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6251 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Senate Bill No. 6251, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6502, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Winsley, Thibaudeau and Kohl-Welles; by request of Department of Social and Health Services)

Changing provisions on long-term care training.

The bill was read the second time.

Representative Pflug moved the adoption of the following amendment (597):

On page 15, line 2, after "domain" insert "unless otherwise protected by copyright law"

On page 15, line 5, after "domain" insert "and shall be shared subject to copyright restrictions"

Representative Pflug spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Schual-Berke spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6502, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6502, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6502, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6676, by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Finkbeiner and Brown; by request of Governor Locke)

Concerning the use of public rights of way in cities and towns.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Technology, Telecommunication and Energy was placed before the House for purpose of amendment. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

Representative DeBolt moved the adoption of the following amendment (586) to the committee amendment:

Strike everything after page 1, line 6 of the amendment, and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cable television service" means the one-way transmission to subscribers of video programming and other programming service and subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service.

(2) "Facilities" means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communication and signal lines and equipment, braces, guys, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of telecommunications services and cable television services.

(3) "Master permit" means the agreement in whatever form whereby a city or town may grant general permission to a service provider to enter, use, and occupy the right of way for the purpose of locating facilities. This definition is not intended to limit, alter, or change the extent of the existing authority of a city or town to require a franchise nor does it change the status of a service provider

asserting an existing state-wide grant based on a predecessor telephone or telegraph company's existence at the time of the adoption of the Washington state Constitution to occupy the right of way. For the purposes of this subsection, a franchise, except for a cable television franchise, is a master permit. A master permit does not include cable television franchises.

(4) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(5) "Right of way" means land acquired or dedicated for public roads and streets, but does not include:

- (a) State highways;
- (b) Land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public;
- (c) Structures, including poles and conduits, located within the right of way;
- (d) Federally granted trust lands or forest board trust lands;
- (e) Lands owned or managed by the state parks and recreation commission; or
- (f) Federally granted railroad rights of way acquired under 43 U.S.C. Sec. 912 and related provisions of federal law that are not open for motor vehicle use.

(6) "Service provider" means every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating, or managing any facilities used to provide and providing telecommunications or cable television service for hire, sale, or resale to the general public. Service provider includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, person, city, or town.

(7) "Telecommunications service" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.

(8) "Use permit" means the authorization in whatever form whereby a city or town may grant permission to a service provider to enter and use the specified right of way for the purpose of installing, maintaining, repairing, or removing identified facilities.

NEW SECTION. Sec. 2. A city or town may grant, issue, or deny permits for the use of the right of way by a service provider for installing, maintaining, repairing, or removing facilities for telecommunications services or cable television services pursuant to ordinances, consistent with this act.

NEW SECTION. Sec. 3. (1) Cities and towns may require a service provider to obtain a master permit. A city or town may request, but not require, that a service provider with an existing state-wide grant to occupy the right of way obtain a master permit for wireline facilities.

(a) The procedures for the approval of a master permit and the requirements for a complete application for a master permit shall be available in written form.

(b) Where a city or town requires a master permit, the city or town shall act upon a complete application within one hundred twenty days from the date a service provider files the complete application for the master permit to use the right of way, except:

- (i) With the agreement of the applicant; or
- (ii) Where the master permit requires action of the legislative body of the city or town and such action cannot reasonably be obtained within the one hundred twenty day period.

(2) A city or town may require that a service provider obtain a use permit. A city or town must act on a request for a use permit by a service provider within thirty days of receipt of a completed application, unless a service provider consents to a different time period or the service provider has not obtained a master permit requested by the city or town.

(a) For the purpose of this section, "act" means that the city makes the decision to grant, condition, or deny the use permit, which may be subject to administrative appeal, or notifies the

applicant in writing of the amount of time that will be required to make the decision and the reasons for this time period.

(b) Requirements otherwise applicable to holders of master permits shall be deemed satisfied by a holder of a cable franchise in good standing.

(c) Where the master permit does not contain procedures to expedite approvals and the service provider requires action in less than thirty days, the service provider shall advise the city or town in writing of the reasons why a shortened time period is necessary and the time period within which action by the city or town is requested. The city or town shall reasonably cooperate to meet the request where practicable.

(d) A city or town may not deny a use permit to a service provider with an existing state-wide grant to occupy the right of way for wireline facilities on the basis of failure to obtain a master permit.

(3) The reasons for a denial of a master permit shall be supported by substantial evidence contained in a written record. A service provider adversely affected by the final action denying a master permit, or by an unreasonable failure to act on a master permit as set forth in subsection (1) of this section, may commence an action within thirty days to seek relief, which shall be limited to injunctive relief.

(4) A service provider adversely affected by the final action denying a use permit may commence an action within thirty days to seek relief, which shall be limited to injunctive relief. In any appeal of the final action denying a use permit, the standard for review and burden of proof shall be as set forth in RCW 36.70C.130.

(5) A city or town shall:

(a) In order to facilitate the scheduling and coordination of work in the right of way, provide as much advance notice as reasonable of plans to open the right of way to those service providers who are current users of the right of way or who have filed notice with the clerk of the city or town within the past twelve months of their intent to place facilities in the city or town. A city is not liable for damages for failure to provide this notice. Where the city has failed to provide notice of plans to open the right of way consistent with this subsection, a city may not deny a use permit to a service provider on the basis that the service provider failed to coordinate with another project.

(b) Have the authority to require that facilities are installed and maintained within the right of way in such a manner and at such points so as not to inconvenience the public use of the right of way or to adversely affect the public, health, safety, and welfare.

(6) A service provider shall:

(a) Obtain all permits required by the city or town for the installation, maintenance, repair, or removal of facilities in the right of way;

(b) Comply with applicable ordinances, construction codes, regulations, and standards subject to verification by the city or town of such compliance;

(c) Cooperate with the city or town in ensuring that facilities are installed, maintained, repaired, and removed within the right of way in such a manner and at such points so as not to inconvenience the public use of the right of way or to adversely affect the public health, safety, and welfare;

(d) Provide information and plans as reasonably necessary to enable a city or town to comply with subsection (5) of this section, including, when notified by the city or town, the provision of advance planning information pursuant to the procedures established by the city or town;

(e) Obtain the written approval of the facility or structure owner, if the service provider does not own it, prior to attaching to or otherwise using a facility or structure in the right of way;

(f) Construct, install, operate, and maintain its facilities at its expense; and

(g) Comply with applicable federal and state safety laws and standards.

(7) Nothing in this section shall be construed as:

(a) Creating a new duty upon city or towns to be responsible for construction of facilities for service providers or to modify the right of way to accommodate such facilities;

(b) Creating, expanding, or extending any liability of a city or town to any third-party user of facilities or third-party beneficiary; or

(c) Limiting the right of a city or town to require an indemnification agreement as a condition of a service provider's facilities occupying the right of way.

(8) Nothing in this section creates, modifies, expands, or diminishes a priority of use of the right of way by a service provider or other utility, either in relation to other service providers or in relation to other users of the right of way for other purposes.

NEW SECTION. Sec. 4. (1) A city or town shall not adopt or enforce regulations or ordinances specifically relating to use of the right of way by a service provider that:

(a) Impose requirements that regulate the services or business operations of the service provider, except where otherwise authorized in state or federal law;

(b) Conflict with federal or state laws, rules, or regulations that specifically apply to the design, construction, and operation of facilities or with federal or state worker safety or public safety laws, rules, or regulations;

(c) Regulate the services provided based upon the content or kind of signals that are carried or are capable of being carried over the facilities, except where otherwise authorized in state or federal law; or

(d) Unreasonably deny the use of the right of way by a service provider for installing, maintaining, repairing, or removing facilities for telecommunications services or cable television services.

(2) Nothing in this chapter, including but not limited to the provisions of subsection (1)(d) of this section, limits the authority of a city or town to regulate the placement of facilities through its local zoning or police power, if the regulations do not otherwise:

(a) Prohibit the placement of all wireless or of all wireline facilities within the city or town;

(b) Prohibit the placement of all wireless or of all wireline facilities within city or town rights of way, unless the city or town is less than five square miles in size and has no commercial areas, in which case the city or town may make available land other than city or town rights of way for the placement of wireless facilities; or

(c) Violate section 253 of the telecommunications act of 1996, P.L. 104-104 (110 Stat. 56).

(3) This section does not amend, limit, repeal, or otherwise modify the authority of cities or towns to regulate cable television services pursuant to federal law.

NEW SECTION. Sec. 5. (1) A city or town shall not place or extend a moratorium on the acceptance and processing of applications, permitting, construction, maintenance, repair, replacement, extension, operation, or use of any facilities for personal wireless services, except as consistent with the guidelines for facilities siting implementation, as agreed to on August 5, 1998, by the federal communications commission's local and state government advisory committee, the cellular telecommunications industry association, the personal communications industry association, and the American mobile telecommunications association. Any city or town implementing such a moratorium shall, at the request of a service provider impacted by the moratorium, participate with the service provider in the informal dispute resolution process included with the guidelines for facilities siting implementation.

NEW SECTION. Sec. 6. (1) Cities and towns may require service providers to relocate authorized facilities within the right of way when reasonably necessary for construction, alteration, repair, or improvement of the right of way for purposes of public welfare, health, or safety.

(2) Cities shall notify service providers as soon as practicable of the need for relocation and shall specify the date by which relocation shall be completed. In calculating the date that relocation must be completed, cities shall consult with affected service providers and consider the extent of facilities to be relocated, the services requirements, and the construction sequence for the relocation, within the city's overall project construction sequence and constraints, to safely complete the relocation. Service providers shall complete the relocation by the date specified, unless the city, or a reviewing court, establishes a later date for completion, after a showing by the service provider that the relocation cannot be completed by the date specified using best efforts and meeting safety and service requirements.

(3) Service providers may not seek reimbursement for their relocation expenses from the city or town requesting relocation under subsection (1) of this section except:

(a) Where the service provider had paid for the relocation cost of the same facilities at the request of the city or town within the past five years, the service provider's share of the cost of relocation will be paid by the city or town requesting relocation;

(b) Where aerial to underground relocation of authorized facilities is required by the city or town under subsection (1) of this section, for service providers with an ownership share of the aerial supporting structures, the additional incremental cost of underground compared to aerial relocation, or as provided for in the approved tariff if less, will be paid by the city or town requiring relocation; and

(c) Where the city or town requests relocation under subsection (1) of this section solely for aesthetic purposes, unless otherwise agreed to by the parties.

(4) Where a project in subsection (1) of this section is primarily for private benefit, the private party or parties shall reimburse the cost of relocation in the same proportion to their contribution to the costs of the project. Service providers will not be precluded from recovering their costs associated with relocation required under subsection (1) of this section, provided that the recovery is consistent with subsection (3) of this section and other applicable laws.

(5) A city or town may require the relocation of facilities at the service provider's expense in the event of an unforeseen emergency that creates an immediate threat to the public safety, health, or welfare.

NEW SECTION. Sec. 7. A city or town may require that a service provider that is constructing, relocating, or placing ducts or conduits in public rights of way provide the city or town with additional duct or conduit and related structures necessary to access the conduit, provided that:

(1) The city or town enters into a contract with the service provider consistent with RCW 80.36.150. The contract rates to be charged should recover the incremental costs of the service provider. If the city or town makes the additional duct or conduit and related access structures available to any other entity for the purposes of providing telecommunications or cable television service for hire, sale, or resale to the general public, the rates to be charged, as set forth in the contract with the entity that constructed the conduit or duct, shall recover at least the fully allocated costs of the service provider. The service provider shall state both contract rates in the contract. The city or town shall inform the service provider of the use, and any change in use, of the requested duct or conduit and related access structures to determine the applicable rate to be paid by the city or town.

(2) Except as otherwise agreed by the service provider and the city or town, the city or town shall agree that the requested additional duct or conduit space and related access structures will not be used by the city or town to provide telecommunications or cable television service for hire, sale, or resale to the general public.

(3) The city or town shall not require that the additional duct or conduit space be connected to the access structures and vaults of the service provider.

(4) The value of the additional duct or conduit requested by a city or town shall not be considered a public works construction contract.

(5) This section shall not affect the provision of an institutional network by a cable television provider under federal law.

Sec. 8. RCW 35.21.860 and 1983 2nd ex.s. c 3 s 39 are each amended to read as follows:

(1) No city or town may impose a franchise fee or any other fee or charge of whatever nature or description upon the light and power, or gas distribution businesses, as defined in RCW 82.16.010, or telephone business, as defined in RCW 82.04.065, or service provider for use of the right of way, except ~~((that))~~:

(a) A tax authorized by RCW 35.21.865 may be imposed ~~((and))~~;

(b) A fee may be charged to such businesses or service providers that recovers actual administrative expenses incurred by a city or town that are directly related to receiving and approving a permit, license, and franchise, to inspecting plans and construction, or to the preparation of a detailed statement pursuant to chapter 43.21C RCW;

(c) Taxes permitted by state law on service providers;

(d) Franchise requirements and fees for cable television services as allowed by federal law; and

(e) A site-specific charge pursuant to an agreement between the city or town and a service provider of personal wireless services acceptable to the parties for:

(i) The placement of new structures in the right of way regardless of height, unless the new structure is the result of a mandated relocation in which case no charge will be imposed if the previous location was not charged;

(ii) The placement of replacement structures when the replacement is necessary for the installation or attachment of wireless facilities, and the overall height of the replacement structure and the wireless facility is more than sixty feet; or

(iii) The placement of personal wireless facilities on structures owned by the city or town located in the right of way. However, a site-specific charge shall not apply to the placement of personal wireless facilities on existing structures, unless the structure is owned by the city or town.

A city or town is not required to approve the use permit for the placement of a facility for personal wireless services that meets one of the criteria in this subsection absent such an agreement. If the parties are unable to agree on the amount of the charge, the service provider may submit the amount of the charge to binding arbitration by serving notice on the city or town. Within thirty days of receipt of the initial notice, each party shall furnish a list of acceptable arbitrators. The parties shall select an arbitrator; failing to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. The arbitrator or arbitrators shall determine the charge based on comparable siting agreements involving public land and rights of way. The arbitrator or arbitrators shall not decide any other disputed issues, including but not limited to size, location, and zoning requirements. Costs of the arbitration, including compensation for the arbitrator's services, must be borne equally by the parties participating in the arbitration and each party shall bear its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding.

(2) Subsection (1) of this section does not prohibit franchise fees imposed on an electrical energy, natural gas, or telephone business, by contract existing on April 20, 1982, with a city or town, for the duration of the contract, but the franchise fees shall be considered taxes for the purposes of the limitations established in RCW 35.21.865 and 35.21.870 to the extent the fees exceed the costs allowable under subsection (1) of this section.

NEW SECTION. Sec. 9. This act shall not preempt specific provisions in existing franchises or contracts between cities or towns and service providers.

NEW SECTION. Sec. 10. A new section is added to chapter 35A.21 RCW to read as follows:

Each code city is subject to the requirements and restrictions regarding facilities and rights of way under this chapter.

NEW SECTION. Sec. 11. Sections 1 through 7 and 9 of this act constitute a new chapter in Title 35 RCW."

On page 17, beginning on line 28 of the title amendment, after "35.21.860;" strike "reenacting and amending RCW 42.17.310;"

Representative DeBolt spoke in favor of the adoption of the amendment to the committee amendment.

The amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Poulsen and DeBolt spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6676, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6676, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives Conway, Fisher and Regala - 3.

Engrossed Substitute Senate Bill No. 6676, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6720, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Stevens, Honeyford, Swecker, Loveland and Snyder)

Modifying the Washington state beef commission.

The bill was read the second time.

Representative G. Chandler moved the adoption of the following amendment (591):

On page 5, line 27, after "(1)" strike all material through "there" and insert "~~((Except as provided in subsection (2) of this section,))~~ There"

On page 5, line 28, after "of" strike "~~((fifty cents))~~ one dollar" and insert "fifty cents"

On page 6, line 16, after "of" strike "fifty cents" and insert "~~((fifty cents))~~ one dollar"

Representatives G. Chandler and Anderson spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Anderson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6720, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6720, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representatives Dunn and Koster - 2.

Substitute Senate Bill No. 6720, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6123, by Senators B. Sheldon, Wojahn, Swecker, Franklin and Kohl-Welles

Authorizing parking and business improvement areas to sponsor public events.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Edwards and Woods spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 6123.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6123 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Senate Bill No. 6123, having received the constitutional majority, was declared passed.

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

INTRODUCTIONS AND FIRST READING

E2SSB 6067 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Thibaudeau)

Modifying provisions concerning access to individual health insurance coverage.

Referred to Committee on Health Care.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

March 1, 2000

HB 2381 Prime Sponsor, Representative Murray: Authorizing a supplemental capital budget.
Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Esser, Republican Vice Chair; Anderson; Barlean; Bush; Constantine; Dunshee; Koster; Mastin; O'Brien; Schoesler and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Edmonds, Democratic Vice Chair; Hankins and Lantz.

Voting yea: Representatives Alexander, Murray, Esser, Anderson, Barlean, Bush, Constantine, Dunshee, Koster, Mastin, Miloscia, O'Brien, Ogden, Schoesler and Woods.

Passed to Rules Committee for Second Reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

EIGHTH ORDER

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar.

HOUSE BILL NO. 3105,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5212,

SUBSTITUTE SENATE BILL NO. 5590,

SUBSTITUTE SENATE BILL NO. 5733,

SENATE BILL NO. 5739,

SUBSTITUTE SENATE BILL NO. 5805,

SENATE BILL NO. 6010,

SUBSTITUTE SENATE BILL NO. 6071,

SUBSTITUTE SENATE BILL NO. 6115,
SUBSTITUTE SENATE BILL NO. 6194,
SUBSTITUTE SENATE BILL NO. 6213,
ENGROSSED SENATE BILL NO. 6250,
SUBSTITUTE SENATE BILL NO. 6260,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6295,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6363,
SUBSTITUTE SENATE BILL NO. 6450,
SUBSTITUTE SENATE BILL NO. 6454,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6533,
SENATE BILL NO. 6602,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6761,
SENATE BILL NO. 6775,
SENATE JOINT MEMORIAL NO. 8021,

There being no objection, the Committee on Commerce & Labor was relieved of the following bills which were referred to the Rules Committee.

HOUSE BILL NO. 3144,
ENGROSSED SENATE BILL NO. 6236,
SUBSTITUTE SENATE BILL NO. 6373,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6455,
SENATE BILL NO. 6579,
SUBSTITUTE SENATE BILL NO. 6589,
SUBSTITUTE SENATE BILL NO. 6812,
ENGROSSED SENATE JOINT MEMORIAL NO. 8015,

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

MOTION

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Thursday, March 2, 2000, the 53rd Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTY SECOND DAY, MARCH 1, 2000

JOURNAL OF THE HOUSE

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

FIFTY THIRD DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 2, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Paul Tabron and Kyle Schmidt. Prayer was offered by Representative Jim McIntire.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4714, by Representatives McDonald, Kastama, Thomas, Wensman, Dunn and Talcott

WHEREAS, The annual Puyallup Valley Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, 2000 marks the sixty-seventh annual Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a simple garden party in Sumner, and grew steadily each year until 1934 when flowers, which previously had been largely discarded in favor of bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival's 2000 events are ongoing, and will culminate in the April 15th Grand Floral Street Parade, winding its way from downtown Tacoma to the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes princesses Dawn Ainslie, Washington High School; Bobett Babcock, Eatonville High School; Moriah Blake, Lakes High School; Emily Chipps, Puyallup High School; Melissa Clapper, Clover Park High School; Mariana DeArmas, Lincoln High School; Brenna Foley, Curtis High School; Amy Hamel, Franklin Pierce High School; Anna Hasselblad, Wilson High School; Leslie Hauge, Fife High School; Cela Mamic, Rogers High School; Megan McFadden, Bethel High School; Sarah Norris, Sumner High School; Keli O'Neill, Orting High School; Amanda Orr, Stadium High School; Shanel Rodriguez, Spanaway Lake High School; Erlene Schwenke, Mt. Tahoma High School; Tiye Smith, Henry Foss High School; and Rene Unap, Chief Leschi High School;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the many contributions made to our state by the Puyallup Valley Daffodil Festival and its organizers over the past sixty-seven years; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Co-Chief Clerks of the House of Representatives to the 2000 Puyallup Valley Daffodil Festival Officers and to the Members of the Festival Royalty.

Representative McDonald moved adoption of the resolution.

Representatives McDonald and Kastama spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4714 was adopted.

MESSAGES FROM THE SENATE

March 1, 2000

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5366,

SUBSTITUTE SENATE BILL NO. 5932,

SENATE BILL NO. 6237,

SENATE BILL NO. 6275,

SUBSTITUTE SENATE BILL NO. 6349,

SENATE BILL NO. 6366,

SENATE BILL NO. 6378,

SENATE BILL NO. 6429,

SENATE BILL NO. 6622,

SENATE BILL NO. 6642,

SUBSTITUTE SENATE BILL NO. 6643,

SENATE BILL NO. 6667,

SENATE BILL NO. 6678,

SUBSTITUTE SENATE BILL NO. 6687,

SENATE BILL NO. 6741,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017,

SENATE JOINT MEMORIAL NO. 8019,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8026,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 1, 2000

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5152,

SUBSTITUTE SENATE BILL NO. 5408,

ENGROSSED SENATE BILL NO. 5667,

SENATE BILL NO. 6138,

SENATE BILL NO. 6139,

SENATE BILL NO. 6140,

SUBSTITUTE SENATE BILL NO. 6147,

SUBSTITUTE SENATE BILL NO. 6182,

SUBSTITUTE SENATE BILL NO. 6186,

SENATE BILL NO. 6206,

SENATE BILL NO. 6223,

SUBSTITUTE SENATE BILL NO. 6276,

SENATE BILL NO. 6307,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6347,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 1, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1711,

SUBSTITUTE HOUSE BILL NO. 2320,

SUBSTITUTE HOUSE BILL NO. 2321,

ENGROSSED HOUSE BILL NO. 2334,

SUBSTITUTE HOUSE BILL NO. 2367,

SUBSTITUTE HOUSE BILL NO. 2410,
SUBSTITUTE HOUSE BILL NO. 2528,
HOUSE BILL NO. 2531,
ENGROSSED HOUSE BILL NO. 2559,
HOUSE BILL NO. 2612,
ENGROSSED HOUSE BILL NO. 2713,
HOUSE BILL NO. 2750,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2798,
SUBSTITUTE HOUSE BILL NO. 2846,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
HOUSE BILL NO. 2904,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 1, 2000

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6399, and the same is herewith transmitted.

Tony M. Cook, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2000-4775, by Representatives Linville, Quall, Reardon, Cooper, Ericksen, Morris, Koster, Lambert, Buck, Fisher, Stensen, Rockefeller, Haigh, Kenney, Benson, Thomas, Wensman, Pflug, Dunn and Barlean

WHEREAS, A tragic gasoline-pipeline leak and explosion last summer claimed the lives of two boys and a young man who were playing and fishing in Whatcom Falls Park in Bellingham; and

WHEREAS, Four other young people -- Jereme Bounds, Tyrome Francisco, Andrew Tsiorvas, and Akilah Williams -- put aside their own fear, safety, and comfort to do everything they possibly could to help the two boys who were victims of the nightmarish pipeline explosion; and

WHEREAS, In rightful commemoration of their fearless, quick-minded actions, Jereme, Tyrome, Andrew, and Akilah are all very deserving recipients of the prestigious 1999 Youth Good Samaritan Special Group Award; and

WHEREAS, This Good Samaritan recognition, which is sponsored by Puget Sound Energy and Western Washington University, salutes the spirit, bravery, and determination of these four friends, including Andrew, whose younger brother was one of the lives lost in the tragedy; and

WHEREAS, For their tremendous courage, these four wonderful friends were also very appropriately praised at the 1999 Real Heroes Breakfast sponsored by the American Red Cross; and

WHEREAS, Immediately following the pipeline explosion, the four friends knew what had to be done -- Jereme, Tyrome, and Andrew searching the creek area near which the two boys had been playing, and Akilah keeping the situation calm in her parents' home where the friends, like that day, so often gather; and

WHEREAS, Their heart and their heroism in the face of indescribable horror stand as authentic testament to the power of one's unflagging fidelity to one's family, one's friends, and one's community;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor and commend the moving courage and the inspiring presence of mind of four of Washington's very finest -- Jereme Bounds, Tyrome Francisco, Andrew Tsiorvas, and Akilah Williams; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the families of these four very special young people.

Representative Linville moved adoption of the resolution.

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

House Resolution No. 2000-4775 was adopted.

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

Speaker Chopp assumed the chair.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6149, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen, T. Sheldon and Rasmussen; by request of Commissioner of Public Lands)

Allowing the disposition of state forest lands without public auction.

The bill was read the second time.

There being no objection, amendment (601) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala and Buck spoke in favor of passage of the bill.

MOTION

On motion of Representative Wolfe, Representatives Kenney and Lambert were excused.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6149.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6149 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Kenney and Linville - 2.

Engrossed Substitute Senate Bill No. 6149, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6294, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Jacobsen, Haugen and Oke)

Creating the aquatic nuisance species committee.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Natural Resources were adopted. (For committee amendments, see Journal, 46th Day, February 24, 2000.)

Representative Talcott moved the adoption of the following amendment (603):

On page 2, line 11, after "(b)" strike everything down to and including "an" on line 12 and insert "Make recommendations to the legislature on statutory provisions for classifying and regulating"

Representatives Talcott and Carrell spoke in favor of the adoption of the amendment.

Representatives Regala, Buck and Pennington spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala, McDonald and Buck spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6294, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6294, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Ericksen - 1.

Excused: Representative Kenney - 1.

Substitute Senate Bill No. 6294, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6732, by Senate Committee on State & Local Government (originally sponsored by Senators Spanel, Haugen and Sellar)

Clarifying the definition of "tourism-related facility."

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, Mulliken and Mulliken (again) spoke in favor of passage of the bill.

Representative Thomas spoke against the passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6732.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6732 and the bill passed the House by the following vote: Yeas - 79, Nays - 18, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Van Luven, Voloria, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 79.

Voting nay: Representatives Boldt, Delvin, Dunn, Esser, Koster, Lambert, McMorris, Mitchell, Parlette, Pennington, Pflug, Radcliff, Schindler, D. Sommers, Sump, Thomas, Wensman and Woods - 18.

Excused: Representative Kenney - 1.

Engrossed Substitute Senate Bill No. 6732, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5924, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Jacobsen, Honeyford and Gardner)

Modifying real estate appraiser laws.

The bill was read the second time.

Representative Benson moved the adoption of the following amendment (587):

On page 4, line 25, after "advice" strike "and approval"

Representative Benson spoke in favor of adoption of the amendment.

Representative Hatfield spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The result of the division was 43-YEAS; 54-NAYS. The amendment was not adopted.

Representative McIntire moved the adoption of the following amendment (611):

On page 7, line 2, after "policy" insert ". One member shall be an individual engaged in mass appraisal whose duties are concerned with ad valorem appraisal management and policy and who is licensed or certified under this chapter"

Representative McIntire spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Hankins moved the adoption of the following amendment (605):

On page 1, strike all of section 1.

On page 4, line 26, strike "commission" and insert "committee"

On page 4, line 38, strike "commission" and insert "committee"

On page 5, line 10, strike "~~((advisory committee))~~ commission" and insert "committee"

On page 5, line 14, strike "commission" and insert "committee" On page 5, line 17, strike "~~((advisory committee))~~ commission" and insert "committee"

On page 6, beginning on line 4, strike "~~((committee))~~ commission" and insert "committee"

On page 6, line 11, strike "~~((committee))~~ commission" and insert "committee"

On page 6, line 18, strike "commission" and insert "committee"

On page 6, line 20, strike "commission" and insert "committee"

On page 6, line 23, strike "predecessor"

On page 6, line 26, strike "commission" and insert "committee"

On page 6, line 28, strike "commission" and insert "committee"

On page 6, line 30, strike "commission" and insert "committee"

On page 6, line 31, strike "commission" and insert "committee"

On page 6, line 32, strike "commission" and insert "committee"

On page 6, line 34, strike "commission" and insert "committee"

On page 6, line 37, strike "commission" and insert "committee"

On page 7, line 4, strike "commission" and insert "committee"

On page 7, line 6, strike "commission" and insert "committee"

On page 7, line 8, strike "commission" and insert "committee"

On page 7, line 11, strike "commission" and insert "committee"

On page 7, line 19, strike "commission" and insert "committee"

On page 7, line 23, strike "commission" and insert "committee"

Representative Hankins spoke in favor of the adoption of the amendment.

Representative Hatfield spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The result of the division was 48-YEAS; 49-NAYS. The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire spoke in favor of passage of the bill.

Representatives Pennington spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5924, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5924, as amended by the House, and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, G. Chandler, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Hurst, Kagi, Kastama, Keiser, Kessler, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, Mielke, Miloscia, Morris, Murray, O'Brien, Ogden, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 67.

Voting nay: Representatives Benson, Carrell, B. Chandler, Clements, Crouse, Delvin, Ericksen, Esser, Fortunato, Hankins, Huff, Koster, Lambert, Lisk, McMorris, Mitchell, Mulliken, Parlette, Pennington, Pflug, Schindler, Skinner, D. Sommers, Sump, Talcott, Thomas, Van Luven, Wensman, Woods and Mr. Speaker Ballard - 30.

Excused: Representative Kenney - 1.

Substitute Senate Bill No. 5924, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6264, by Senate Committee on Transportation (originally sponsored by Senators Eide, Costa, Swecker, Gardner, Kohl-Welles, Shin, Patterson, Brown, Haugen, Jacobsen, McAuliffe, Sheahan, Rasmussen, Fairley, Goings and Franklin)

Establishing intermediate drivers' licenses.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Transportation were before the House for purpose of amendment. (For committee amendments, see Journal, 47th Day, February 25, 2000.)

Representative Lambert moved the adoption of the following amendment (569) to the committee amendment:

On page 2, line 14 of the amendment, after "of" strike "12" and insert "1"

Representative Lambert spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ericksen moved the adoption of the following amendment (613) to the committee amendment:

On page 2, line 14 of the amendment, after "when" insert ":

(a)"

On page 2, line 16 of the amendment, after "age" insert the following:

":

(b) The holder is driving between the holder's home and place of employment;

(c) The holder is driving between the holder's home and a public, private, or home school event for which no other transportation is available;

(d) The holder is driving for employment purposes; or

(e) The holder is not an employee of a farm, but is moving a vehicle from one farm to another, or to a farm employee "

On page 2, after line 26 of the amendment, insert the following:

"(7) An intermediate licensee may drive at any hour without restriction on the number of passengers in the vehicle if required due to an emergency.

(8) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if required by family necessity as evidenced by a signed statement of a parent or guardian. The note must be dated and is effective for only one day."

Representatives Ericksen, Benson, Lambert, Hatfield and Ericksen (again) spoke in favor of the adoption of the amendment.

Representatives Fisher, Radcliff, DeBolt, Kagi, Schual-Berke, Radcliff (again) and Lovick spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Hatfield moved the adoption of the following amendment (579) to the committee amendment:

On page 2, after line 26 of the amendment, insert the following:

"(7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if, for the twelve-month period following the issuance of the intermediate license, he or she:

(a) Has not been involved in an automobile accident; and

(b) Has not been convicted or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate licensee under section 2 of this act."

Representatives Hatfield, McDonald, DeBolt, Anderson, Cooper and Dickerson spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, amendment (584) was withdrawn.

Representative Radcliff moved the adoption of the following amendment (609) to the committee amendment:

On page 2, after line 26 of the amendment, insert the following:

"(7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if required due to an emergency.

(8) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if required by family necessity as evidenced by a signed statement of a parent or guardian. The note must be dated and is effective for only one day."

Representatives Radcliff and Hatfield spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, amendment (561) was withdrawn.

Representative Fortunato moved the adoption of the following amendment (592) to the committee amendment:

On page 3, line 6 of the amendment, after "first" insert ", and mail the parent or guardian of the person a notification of the suspension"

On page 3, line 9 of the amendment, after "age" insert ", and mail the parent or guardian of the person a notification of the suspension"

Representative Fortunato spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Hatfield moved the adoption of the following amendment (580) to the committee amendment:

On page 13, after line 20 of the amendment, insert the following:

"**Sec. 15.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read as follows:

The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no fewer than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction. Regulations adopted by the department under this section shall provide that holders of intermediate driver's licenses who are prohibited from carrying passengers under the age of twenty by section 2(2) of this act may operate a motor vehicle in high occupancy vehicle lanes regardless of the number of occupants in the vehicle."

Renumber remaining sections and correct internal references accordingly.

Representatives Hatfield, Wensman, Schoesler and DeBolt spoke in favor of the adoption of the amendment.

Representatives Radcliff, Cooper, Fisher, Rockefeller and Mitchell spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The result of the division was 31-YEAS; 66-NAYS. The amendment was not adopted.

There being no objection, amendment (581) was withdrawn.

Representative Hatfield moved the adoption of the following striking amendment (610) to the committee amendment:

On page 1, beginning on line 7 of the amendment, strike the remainder of the amendment and insert the following:

"**Sec. 1.** RCW 46.20.100 and 1999 c 274 s 14 are each amended to read as follows:

(1) **Application.** The application of a person under the age of eighteen years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the person under the age of eighteen has no father, mother, or guardian, then the application must be signed by the minor's employer.

(2) **Requirements.** In order to qualify for a driver's license, a person under the age of eighteen must:

(a) Have possessed a valid instruction permit for a period of not less than six months;

(b) Have passed a driver licensing examination administered by the department under RCW 46.20.120;

(c) Have passed a course of driver's education in accordance with the standards established in subsection (3) of this section;

(d) Present certification by his or her parent, guardian, or employer to the department stating (i) that the applicant has had at least fifty hours of driving experience, ten of which were at night, during which the driver was supervised by a person at least twenty-one years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of traffic infraction or cited for a traffic violation that is pending at the time of the application for the license;

(e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the license; and

(f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(3) **Traffic safety education requirement.** For a person under the age of eighteen years to obtain a driver's license he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license the applicant must satisfactorily complete a traffic safety education course as defined in RCW 28A.220.020. The course must meet the standards established by the office of the state superintendent of public instruction. The traffic safety education course may be provided by:

(i) A recognized secondary school; or

(ii) A commercial driving enterprise that is annually approved by the office of the superintendent of public instruction.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the traffic safety education requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a traffic safety education course;

(ii) A need exists for the applicant to operate a motor vehicle; and

(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

The department may adopt rules to implement this subsection (~~((2))~~) (3)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the traffic safety education requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

Sec. 2. RCW 28A.220.030 and 1979 c 158 s 196 are each amended to read as follows:

(1) The superintendent of public instruction (~~(is authorized to)~~) shall establish a section of traffic safety education, and through such section shall: Define a "realistic level of effort" required to provide an effective traffic safety education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective state-wide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the traffic safety education program; and each school district shall submit a report to the superintendent on the condition of its traffic safety education program(~~(: PROVIDED, That)~~). The superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2) Effective September 1, 2000, the traffic safety education curriculum established by the superintendent under subsection (1) of this section must include a comprehensive driving skills test and individual knowledge test that a student must pass in order to receive a passing grade from a traffic safety education class.

(3) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for traffic safety education instructors. The superintendent may phase in the requirement over not more than five years from the effective date of this act.

(4) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

~~((3))~~ (5) The board of directors of a school district, or combination of school districts, may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory phase of the traffic safety education course. Instructors provided by any such contracting drivers' school must be properly qualified teachers of traffic safety education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

Sec. 3. RCW 46.82.290 and 1979 ex.s. c 51 s 2 are each amended to read as follows:

(1) The director (~~(shall be)~~) is responsible for the administration and enforcement of the law pertaining to driver training schools as set forth in this chapter.

(2) The director (~~(is authorized to)~~) may adopt and enforce such reasonable rules as may be consistent with and necessary to carry out this chapter.

(3) The director shall adopt a driver training curriculum established by the superintendent of public instruction. The curriculum must include a comprehensive driving skills test that a student must pass in order to receive a certificate of completion from a driver training school.

Sec. 4. RCW 28A.220.040 and 1984 c 258 s 331 are each amended to read as follows:

(1) Each school district shall be reimbursed from funds appropriated for traffic safety education(~~(: PROVIDED, That)~~).

(a) The state superintendent shall determine the per-pupil reimbursement amount for the traffic safety education course to be funded by the state. Each school district offering an approved standard traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be appropriated.

(b) The state superintendent may provide per-pupil reimbursements to school districts only where all the traffic educators have satisfied the continuing education requirement of RCW 28A.220.030(3).

(2) The board of directors of any school district or combination of school districts may establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in any such school district prior to or while enrolled in a traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the traffic safety education course.

Sec. 5. RCW 46.20.091 and 1999 c 6 s 14 are each amended to read as follows:

(1) **Application.** In order to apply for a driver's license or instruction permit the applicant must provide his or her:

- (a) Name of record, as established by documentation required under RCW 46.20.035;
- (b) Date of birth, as established by satisfactory evidence of age;
- (c) Sex;
- (d) Washington residence address;
- (e) Description;
- (f) Driving licensing history, including:
 - (i) Whether the applicant has ever been licensed as a driver or chauffeur and, if so, (A) when and by what state or country; (B) whether the license has ever been suspended or revoked; and (C) the date of and reason for the suspension or revocation; or
 - (ii) Whether the applicant's application to another state or country for a driver's license has ever been refused and, if so, the date of and reason for the refusal; (~~and~~)
- (g) Driver training history and, if received, where; and
- (h) Any additional information required by the department.

(2) **Sworn statement.** An application for an instruction permit or for an original driver's license must be made upon a form provided by the department. The identifying documentation verifying the name of record must be accompanied by the applicant's written statement that it is valid. The information provided on the form must be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant who makes a false statement on an application for a driver's license or instruction permit is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

(3) **Driving records from other jurisdictions.** If a person previously licensed in another jurisdiction applies for a Washington driver's license, the department shall request a copy of the applicant's driver's record from the other jurisdiction. The driving record from the other jurisdiction becomes a part of the driver's record in this state.

(4) **Driving records to other jurisdictions.** If another jurisdiction requests a copy of a person's Washington driver's record, the department shall provide a copy of the record. The department shall forward the record without charge if the other jurisdiction extends the same privilege to the state of Washington. Otherwise the department shall charge a reasonable fee for transmittal of the record.

NEW SECTION. **Sec. 6.** A new section is added to chapter 46.20 RCW to read as follows:

If a novice driver is convicted of or found to have committed one or more of the traffic offenses listed in subsection (2) or (4) of this section or two or more of the traffic offenses listed in subsection (3) of this section, his or her driving privilege is subject to the restrictions detailed in subsection (1) of this section. For purposes of this section "novice driver" means a driver who is within two years of the date he or she was licensed to drive.

(1) The department shall restrict the driving privilege of a novice driver who commits the violations described in subsection (2), (3), or (4) of this section as follows:

(a) The novice driver may only drive unsupervised between the hours of five a.m. and ten p.m. At all other times the novice driver must be supervised. While being supervised, the novice driver must be accompanied by a parent, guardian, or other person twenty-one years of age or older

with at least five years of driving experience. The supervisor must possess a valid driver's license. The supervisor must be the only other occupant of the front passenger section of the vehicle.

(b) The novice driver may not operate a motor vehicle that is carrying any passengers under the age of twenty who are not members of the novice driver's immediate family as defined in RCW 42.17.020.

(c) The department shall impose the restrictions of this subsection (1) for one year.

(d) A novice driver whose license has been restricted under this section may drive at any hour without restriction on the number of passengers in the vehicle if required due to an emergency.

(e) A novice driver whose license has been restricted under this section may drive at any hour without restrictions on the number of passengers in the vehicle if required by family necessity as evidenced by a signed statement of a parent or guardian. The note must be dated and is effective for only one day.

(f) Operating a motor vehicle in violation of the restrictions of this section is a traffic infraction.

(2) If a novice driver is convicted of or found to have committed one or more of the traffic offenses listed in this subsection, the department shall restrict his or her license as described in subsection (1) of this section:

(a) RCW 46.30.040: False insurance evidence;

(b) RCW 46.61.015, 46.61.020, or 46.61.021: Failure to respond or comply with officer;

(c) RCW 46.61.050 or 46.61.340 through 46.61.385: Failure to stop;

(d) RCW 46.61.070: Wrong way in reversible lane;

(e) RCW 46.61.100, 46.61.105, 46.61.110, 46.61.120, 46.61.125, 46.61.130, or 46.61.140:

Driving on wrong side of road/failure to stay in lane;

(f) RCW 46.61.105 or 46.61.120: Illegal overtaking or passing;

(g) RCW 46.61.135: Wrong way on a one-way street;

(h) RCW 46.61.145: Following too closely;

(i) RCW 46.61.150: Improperly crossing median;

(j) RCW 46.61.180 through 46.61.220: Failure to yield right-of-way;

(k) RCW 46.61.245 or 46.61.445: Failure to use due care;

(l) RCW 46.61.260: Driving in safety zone;

(m) RCW 46.61.370: Passing stopped school bus;

(n) RCW 46.61.400 or 46.61.440: Driving ten miles or more over the speed limit;

(o) RCW 46.61.400: Driving too fast for conditions;

(p) RCW 46.61.519: Open container violation;

(q) RCW 46.61.5195: Disguising an alcoholic beverage container;

(r) RCW 46.61.5249 and 46.61.525: Negligent driving;

(s) RCW 46.61.608: Failure to give motorcycle full use of lane;

(t) RCW 46.61.385: Failure to stop for school patrol;

(u) RCW 46.61.660: Carrying persons outside vehicle;

(v) RCW 46.61.665: Embracing while driving;

(w) RCW 46.61.675: Permitting illegal vehicle operation; and

(x) RCW 46.61.685: Unattended child in running vehicle.

(3) If a novice driver is convicted of or found to have committed two or more of the traffic offenses listed in this subsection, the department must restrict his or her license as described in subsection (1) of this section:

(a) RCW 46.20.017: No license on person;

(b) RCW 46.29.605: Driving with suspended registration;

(c) RCW 46.30.020: Driving without liability insurance;

(d) RCW 46.37.010: Defective equipment;

(e) RCW 46.37.010: Illegal lights or other equipment;

(f) RCW 46.37.020: Driving without lights;

(g) RCW 46.61.015 or 46.61.050: Disobeying road sign other than a stop or yield sign or signaler or officer;

(h) RCW 46.61.100: Improper lane change;

- (i) RCW 46.61.100 (3) or (4) or 46.61.425: Impeding traffic;
- (j) RCW 46.61.155: Improper access to limited access highway;
- (k) RCW 46.61.235: Failure to stop for pedestrian;
- (l) RCW 46.61.261, 46.61.428, or 46.61.606: Driving on shoulder or sidewalk;
- (m) RCW 46.61.290 through 46.61.305: Improper or prohibited turn;
- (n) RCW 46.61.295: Improper U-turn;
- (o) RCW 46.61.300: Starting vehicle illegally;
- (p) RCW 46.61.305: Failure to use or improper signal;
- (q) RCW 46.61.400: Speeding less than ten miles over limit;
- (r) RCW 46.61.600: Improperly secured vehicle;
- (s) RCW 46.61.605: Improper backing;
- (t) RCW 46.61.615: Obstructed vision or control;
- (u) RCW 46.61.630: Coasting on downgrade;
- (v) RCW 46.61.635: Following emergency vehicles;
- (w) RCW 46.61.640: Crossing fire hose;
- (x) RCW 46.61.645: Throwing dangerous material on roadway;
- (y) RCW 46.61.655: Improperly secured or covered load;
- (z) RCW 46.61.670: Wheels off roadway;
- (aa) RCW 46.61.680: Lowering vehicle below legal clearance;
- (bb) RCW 46.61.687: Child restraint violation; and
- (cc) RCW 46.61.688: Seat belt violation.

(4) If a novice driver's driving privilege is withheld under any of the sections listed in this subsection, his or her license is subject to the restrictions in subsection (1) of this section if and when the driving privilege is reinstated.

- (a) RCW 46.20.041: Violating driver's license restrictions;
- (b) RCW 46.20.0921: Fraudulent application, alteration, or display of driver's license;
- (c) RCW 46.20.265: Minor in possession of alcohol or drugs;
- (d) RCW 46.20.265: Minor in possession of a firearm;
- (e) Section 7 of this act: Novice driver violating chapter 46.61 RCW;
- (f) RCW 46.20.285: Conviction of a felony involving a motor vehicle;
- (g) RCW 46.20.289: Failure to appear/unpaid traffic ticket;
- (h) RCW 46.20.291: Multiple violations within a specified time period;
- (i) RCW 46.20.3101: Refusal to submit to breath or blood alcohol test;
- (j) RCW 46.20.342: Driving while license is suspended or revoked;
- (k) Chapter 46.29 RCW other than RCW 46.29.605: Violation of financial responsibility laws;
- (l) RCW 46.52.020: Hit and run, vehicle attended;
- (m) RCW 46.61.024: Eluding police;
- (n) RCW 46.61.500: Reckless driving;
- (o) RCW 46.61.502: Driving under the influence;
- (p) RCW 46.61.504: Physical control of a motor vehicle while under the influence;
- (q) RCW 46.61.5055: Violating probation for DUI conviction;
- (r) RCW 46.61.5056: Failure to meet requirements of court-ordered drug or alcohol treatment program, e.g., failure to submit alcohol report, failure to comply with treatment program, relapse;
- (s) RCW 46.61.520: Vehicular homicide;
- (t) RCW 46.61.522: Vehicular assault;
- (u) RCW 46.61.527: Reckless endangerment in a construction zone;
- (v) RCW 46.61.530: Racing;
- (w) Chapter 46.65 RCW: Habitual traffic offender, twenty moving violations in five years.

(5) If the driving privilege of a novice driver under the age of eighteen is restricted under this section, the department shall mail a written notice to the parent or guardian of the person notifying them that the novice driver's license has been restricted under this section or suspended under section 7 of this act.

(6) Enforcement of the driving restrictions of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

NEW SECTION. **Sec. 7.** A new section is added to chapter 46.20 RCW to read as follows:

If a novice driver's license has been restricted under section 6 of this act and he or she is convicted of or found to have committed a traffic offense described in chapter 46.61 RCW, in addition to the offense or offenses that caused the novice driver's license to be restricted, or violated restrictions placed on a novice driver's license under section 6 of this act:

(1) On the first such conviction or finding, the department shall suspend the driver's license for a period of six months;

(2) On the second such conviction or finding, the department shall suspend the driver's license for one year.

Sec. 8. RCW 46.20.105 and 1987 c 463 s 3 are each amended to read as follows:

(1) The department may provide a method to distinguish the driver's license of a person who is under the age of twenty-one from the driver's license of a person who is twenty-one years of age or older.

(2) An instruction permit must be identified as an "instruction permit" and issued in a distinctive form as determined by the department.

(3) A novice driver's license must be identified as a "novice driver's license" and issued in a distinctive form as determined by the department.

Sec. 9. RCW 46.20.311 and 1998 c 212 s 1 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or other provision of law. Except for a suspension under section 7 of this act, RCW 46.20.289, 46.20.291(5), or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(b)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 10. RCW 46.20.342 and 1999 c 274 s 3 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license;

(v) A conviction of RCW ((46.20.420)) 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;
(viii) A conviction of RCW 46.61.500, relating to reckless driving;
(ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;
(x) A conviction of RCW 46.61.520, relating to vehicular homicide;
(xi) A conviction of RCW 46.61.522, relating to vehicular assault;
(xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;
(xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;
(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;
(xv) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;
(xvi) An administrative action taken by the department under chapter 46.20 RCW; or
(xvii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, ~~((vi))~~ (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under section 7 of this act relating to novice drivers' licenses, or any combination of (i) through ~~((vi))~~ (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1) (a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.220 RCW to read as follows:

The superintendent of public instruction, in consultation with the department of licensing, shall adopt rules for implementing RCW 46.20.100(2)(d).

NEW SECTION. **Sec. 12.** This act takes effect July 1, 2001."

Correct the title.

Representatives Hatfield, DeBolt, Fortunato, Stensen, Dickerson, Hurst and Cooper spoke in favor of the adoption of the striking amendment.

Representatives McDonald, Lovick, Eickmeyer, Schual-Berke and Schindler spoke against the adoption of the striking amendment.

Representative Morris demanded the previous question and the demanded was sustained.

Division was demanded. Speaker Chopp divided the House. The result of the division was 44-YEAS; 53-NAYS. The striking amendment was not adopted.

There being no objection, the committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDonald, McIntire, Schmidt, Ogden, Lovick, Talcott, Milsocia, Fisher and Mulliken spoke in favor of passage of the bill.

Representatives Hatfield, Cox, Buck, Ericksen, Dunn, Kessler, DeBolt and Clements spoke against passage of the bill.

Representative Morris demanded the previous question and the demand was sustained.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6264, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6264, as amended by the House, and the bill passed the House by the following vote: Yeas - 66, Nays - 31, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Bush, Cairnes, Campbell, Carlson, Carrell, G. Chandler, Cody, Conway, Cooper, Crouse, Delvin, Edmonds, Edwards, Eickmeyer, Fisher, Fortunato, Gombosky, Haigh, Hankins, Hurst, Kagi, Kastama, Keiser, Lantz, Linville, Lovick, McDonald, McIntire, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Scott, Skinner, D. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wolfe, Wood, Woods and Mr. Speaker Chopp - 66.

Voting nay: Representatives Boldt, Buck, B. Chandler, Clements, Constantine, Cox, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Ericksen, Esser, Grant, Hatfield, Huff, Kessler, Koster, Lambert, Lisk, Mastin, McMorris, Mielke, Murray, Pennington, Poulsen, Schoesler, H. Sommers, Sump, Wensman and Mr. Speaker Ballard - 31.

Excused: Representative Kenney - 1.

Engrossed Substitute Senate Bill No. 6264, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6375, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Franklin, Stevens, Kohl-Welles, Winsley, Costa and McAuliffe)

Clarifying timelines, information sharing, and evidentiary standards in mental health competency procedures.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Judiciary were not adopted. (For committee amendments, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Hurst spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6375.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6375, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Kenney - 1.

Substitute Senate Bill No. 6375, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6781, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen and Morton)

Modifying provisions concerning the management of dairy nutrients.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Agriculture & Ecology were before the House for purpose of amendment. (For committee amendments, see Journal, 47th Day, February 25, 2000.)

Representative Linville moved the adoption of the following amendment (598) to the amendment:

On page 1, line 32 of the amendment, after "by" strike everything down to and including "senate" on line 34 and insert "a state-wide organization representing environmental interests"

Representatives Linville and B. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and B. Chandler spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6781, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6781, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Kenney - 1.

Substitute Senate Bill No. 6781, as amended by the House, having received the constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House reconsidered the vote by which Substitute Senate Bill No. 6294 passed the House.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6294, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6294, on reconsideration, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner,

D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Kenney - 1.

Substitute Senate Bill No. 6294, on reconsideration, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKERS

The Speakers announced they were signing:

ENGROSSED HOUSE BILL NO. 1711,

SUBSTITUTE HOUSE BILL NO. 2022,

HOUSE BILL NO. 2031,

ENGROSSED HOUSE BILL NO. 2322,

HOUSE BILL NO. 2328,

HOUSE BILL NO. 2329,

ENGROSSED HOUSE BILL NO. 2334,

SUBSTITUTE HOUSE BILL NO. 2358,

SUBSTITUTE HOUSE BILL NO. 2367,

HOUSE BILL NO. 2397,

SUBSTITUTE HOUSE BILL NO. 2410,

SUBSTITUTE HOUSE BILL NO. 2423,

SUBSTITUTE HOUSE BILL NO. 2493,

HOUSE BILL NO. 2496,

HOUSE BILL NO. 2516,

HOUSE BILL NO. 2519,

SUBSTITUTE HOUSE BILL NO. 2528,

HOUSE BILL NO. 2532,

HOUSE BILL NO. 2535,

ENGROSSED HOUSE BILL NO. 2559,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2589,

SUBSTITUTE HOUSE BILL NO. 2590,

HOUSE BILL NO. 2607,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2617,
HOUSE BILL NO. 2630,
HOUSE BILL NO. 2660,
HOUSE BILL NO. 2722,
HOUSE BILL NO. 2750,
HOUSE BILL NO. 2765,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2798,
SUBSTITUTE HOUSE BILL NO. 2846,
HOUSE BILL NO. 2848,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
SUBSTITUTE HOUSE BILL NO. 2899,
HOUSE BILL NO. 2904,
HOUSE BILL NO. 2926,
HOUSE JOINT MEMORIAL NO. 4022,
ENGROSSED SENATE BILL NO. 5152,
SUBSTITUTE SENATE BILL NO. 5366,
SUBSTITUTE SENATE BILL NO. 5408,
ENGROSSED SENATE BILL NO. 5667,
SUBSTITUTE SENATE BILL NO. 5932,
SENATE BILL NO. 6138,
SENATE BILL NO. 6139,
SENATE BILL NO. 6140,
SUBSTITUTE SENATE BILL NO. 6147,
SUBSTITUTE SENATE BILL NO. 6182,
SENATE BILL NO. 6206,
SENATE BILL NO. 6223,

SENATE BILL NO. 6237,
SENATE BILL NO. 6275,
SUBSTITUTE SENATE BILL NO. 6276,
SENATE BILL NO. 6307,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6347,
SUBSTITUTE SENATE BILL NO. 6349,
SENATE BILL NO. 6366,
SENATE BILL NO. 6378,
SENATE BILL NO. 6429,
SENATE BILL NO. 6622,
SENATE BILL NO. 6642,
SUBSTITUTE SENATE BILL NO. 6643,
SENATE BILL NO. 6667,
SENATE BILL NO. 6678,
SUBSTITUTE SENATE BILL NO. 6687,
SENATE BILL NO. 6741,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017,
SENATE JOINT MEMORIAL NO. 8019,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8026,

SECOND READING

SUBSTITUTE SENATE BILL NO. 6675, by Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Brown, Hochstatter, Hargrove, Costa and Sheahan; by request of Governor Locke)

Allowing public utility districts and rural port districts to provide telecommunications services.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Technology, Telecommunication and Energy were before the House for purpose of amendment. (For committee amendments, see Journal, 47th Day, February 25, 2000.)

Representative Cooper moved the adoption of the following amendment (593) to the amendment:

On page 1, line 32 of the amendment, after "public" insert "and internet service providers"

On page 6, line 17 of the amendment, after "public" insert "and internet service providers"

Representatives Cooper and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cooper moved the adoption of the following amendment (595) to the amendment:

On page 2, line 7 of the amendment, after "needs;" insert "and"

On page 2, beginning on line 9 of the amendment, after "the" strike all material through "act." on line 16 of the amendment, and insert "district and by contract with another public utility district."

Correct any internal references accordingly.

Representatives Cooper, Crouse, Eickmeyer and Poulsen spoke in favor of the adoption of the amendment.

Representatives Thomas spoke twice against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The result of the division was 70-YEAS; 28-NAYS. The amendment was adopted.

There being no objection, amendment (571) was withdrawn.

Representative Thomas moved the adoption of the following amendment (572) to the amendment:

On page 3, after line 11 of the amendment, insert the following:

"(6)(a) If a qualified provider of telecommunications services gives written notice of a desire to acquire all of the facilities and services of a rural public utility district, the rural public utility district must place the facilities and services up for auction to the highest qualified bidder within one year of receipt of such written notice, provided:

(i) The bidder has at least as much capability as the rural public utility district or its contractor to construct, operate, and maintain the facilities and services;

(ii) The bidder offers a price that will allow the rural public utility district to recover all of its investments, including interest on capital that the bidder would have paid as a nongovernmental entity at the time of investment; and

(iii) The successful bidder must reserve sufficient capacity for the rural public utility district to allow for needs twenty years from the date of the sale at no more than the embedded cost of the facility or services, or as mutually agreed.

(b) The rural public utility district and successful bidder may enter into noncompete agreements or mutually agree on other conditions of the sale."

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 7, after line 25 of the amendment, insert the following:

"(6)(a) If a qualified provider of telecommunications services gives written notice of a desire to acquire all of the facilities and services of a rural port district, the rural port district must place the

facilities and services up for auction to the highest qualified bidder within one year of receipt of such written notice, provided:

(i) The bidder has at least as much capability as the rural port district or its contractor to construct, operate, and maintain the facilities and services;

(ii) The bidder offers a price that will allow the rural port district to recover all of its investments, including interest on capital that the bidder would have paid as a nongovernmental entity at the time of investment; and

(iii) The successful bidder must reserve sufficient capacity for the rural port district to allow for needs twenty years from the date of the sale at no more than the embedded cost of the facility or services, or as mutually agreed.

(b) The rural port district and a successful bidder may enter into noncompete agreements or mutually agree on other conditions of the sale."

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representative Thomas spoke in favor of the adoption of the amendment.

Representatives Poulsen and Crouse spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Thomas moved the adoption of the following amendment (573) to the amendment:

On page 3, after line 16 of the amendment, insert the following:

"(7) A public utility district may not provide telecommunications facilities if comparable telecommunications facilities exist to serve the same market or same customer."

On page 7, after line 30 of the amendment, insert the following:

"(7) A rural port district may not provide telecommunications facilities if comparable telecommunications facilities exist to serve the same market or same customer."

Representatives Thomas, Thomas (again), Ballard, Morris spoke in favor of the adoption of the amendment.

Representatives Poulsen, DeBolt and Poulsen (again) spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The result of the division was 43-YEAS; 55-NAYS. The amendment was not adopted.

Representative Thomas moved the adoption of the following amendment (574) to the committee amendment:

On page 3, after line 16 of the amendment, insert the following:

"(7) A public utility district shall pay all applicable taxes including business and occupation tax on all telecommunications activities in accordance with RCW 82.04.220 and 82.04.065."

On page 7, after line 30 of the amendment, insert the following:

"(7) A rural port district shall pay all applicable taxes including business and occupation tax on all telecommunications activities in accordance with RCW 82.04.220 and 82.04.065."

Representative Thomas spoke in favor of the adoption of the amendment.

Representative Poulsen spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Thomas moved the adoption of the following amendment (575) to the committee amendment:

On page 3, after line 16 of the amendment, insert the following:

"(7) A public utility district shall not cross-subsidize revenues between telecommunications activities and any other activity of the public utility district."

On page 7, after line 30 of the amendment, insert the following:

"(7) A rural port district shall not cross-subsidize revenues between telecommunications activities and any other activity of the rural port district."

Representatives Thomas and Morris spoke in favor of the adoption of the amendment.

Representatives Poulsen and Crouse spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Thomas moved the adoption of the following amendment (576) to the committee amendment:

On page 4, beginning on line 1 of the amendment, strike all material through "services." on line 23, and insert the following:

"(2) A public utility district shall provide telecommunications facilities in the district only following approval of a majority of the voters in the district.

(3) The process for a public utility district to receive authority to provide telecommunications facilities is as follows:

(a) The commission of the public utility district shall pass a resolution stating the intent to provide telecommunications facilities in the district, and submit the resolution to the legislative authority of the county in which the district is located; and

(b) The legislative authority, upon receipt of the resolution of the rural port district commission, shall submit a proposal to the voters of the district at the next general election regarding the question of providing telecommunications facilities in the district in substantially the following terms:

Shall Public Utility District No. of County be authorized to sell and provide telecommunications facilities within the boundaries of the district?

Yes . . .

No . . .

Within ten days after such an election, the election board of the county shall canvass the returns, and if at such an election a majority of voters voting on the proposition shall vote in favor of such authority, the district shall have the powers to provide telecommunications facilities."

On page 8, beginning on line 14 of the amendment, strike all material through "services." on line 36, and insert the following:

"(2) A rural port district shall provide telecommunications facilities in the district only following approval of a majority of the voters in the district.

(3) The process for a rural port district to receive authority to provide telecommunications facilities is as follows:

(a) The commission of the rural port district shall pass a resolution stating the intent to provide telecommunications facilities in the district, and submit the resolution to the legislative authority of the county in which the district is located; and

(b) The legislative authority, upon receipt of the resolution of the rural port district commission, shall submit a proposal to the voters of the district at the next general election regarding the question of providing telecommunications facilities in the district in substantially the following terms:

Shall Port District No. of County be authorized to sell and provide telecommunications facilities within the boundaries of the district?

Yes . . .

No . . .

Within ten days after such an election, the election board of the county shall canvass the returns, and if at such an election a majority of voters voting on the proposition shall vote in favor of such authority, the district shall have the powers to provide telecommunications facilities."

Representative Thomas spoke in favor of the adoption of the amendment.

Representatives Poulsen and Cooper spoke against the adoption of the amendment.

Division was demanded. Speaker Chopp divided the House. The result of the division was 45-YEAS; 52-NAYS. The amendment was not adopted.

Representative Cooper moved the adoption of the following amendment (594) to the committee amendment:

Beginning on page 4, line 36 of the amendment, strike all of section 5 and insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 54.16 RCW to read as follows:

(1) A person or entity that has requested wholesale telecommunications services from a public utility district may file a petition for review with that district's board of commissioners to review the rates, terms, and conditions of such service to ensure that such rates, terms, and conditions are not unduly discriminatory or preferential. The board of commissioners shall, in response to such petition, compile a record consisting of such rates, terms, and conditions, and such documentary evidence and statements of legal position as may be offered by the requesting entity, public utility district staff, and any interested party that shall intervene, and shall, based upon such record, issue a written order disposing of the petition for review. The board of commissioners may, at its option, entertain verbal testimony, which shall be included in the hearing record. The board of commissioners shall issue a written order disposing of the petition for review within ninety days of the date it was filed, provided that the board of commissioners may if necessary extend such deadline up to an additional ninety days.

(2) Any party aggrieved by an order issued by a board of commissioners under subsection (1) of this section may file a petition for review of the order in the court of appeals division in which the public utility district is located. The petition for review shall be served upon the public utility district and any other persons or entities made party to the proceedings under subsection (1) of this section. The board of commissioners shall transmit the written record compiled under subsection (1) of this section to the reviewing court and, upon delivery of such record, the reviewing court shall have exclusive jurisdiction to review the record and order to ensure that the rates, terms, and conditions of wholesale telecommunications service offered by the public utility district are not unduly discriminatory or preferential, and shall affirm the order of the board of commissioners or remand the order for further consideration by the board of commissioners. No objection to the order of the board of commissioners shall be entertained unless that objection shall first have been urged before the board of commissioners. The finding of the board of commissioners as to the facts, if any, shall be conclusive if supported by substantial evidence."

On page 10, beginning on line 9 of the amendment, strike all of section 10

Representative Cooper spoke in favor of the adoption of the amendment.

Representative Crouse and Poulsen spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Thomas moved the adoption of the following amendment (577) to the committee amendment:

On page 5, line 5 of the amendment, after "believes the" strike "district's" and insert "district has violated the provisions of this act or that the"

On page 9, line 16 of the amendment, after "believes the" strike "district's" and insert "district has violated the provisions of this act or that the"

Representative Thomas spoke in favor of the adoption of the amendment.

Representatives Poulsen and Crouse spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Poulsen, DeBolt, Cooper, Buck, Morris and Eickmeyer spoke in favor of passage of the bill.

Representatives Delvin and Thomas spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6675, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6675, as amended by the House, and the bill passed the House by the following vote: Yeas - 70, Nays - 28, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Benson, Boldt, Buck, Bush, Campbell, Carlson, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Murray, O'Brien, Ogden, Pennington, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, D. Sommers, H. Sommers, Stensen, Sump, Tokuda, Voloria, Wolfe, Wood, Woods and Mr. Speaker Chopp - 70.

Voting nay: Representatives Ballasiotes, Barlean, Cairnes, Carrell, B. Chandler, G. Chandler, Clements, Delvin, Dunn, Ericksen, Esser, Fortunato, Hankins, Koster, Lambert, Lisk, Mitchell, Mulliken, Parlette, Pflug, Radcliff, Skinner, Sullivan, Talcott, Thomas, Van Luven, Wensman and Mr. Speaker Ballard - 28.

Substitute Senate Bill No. 6675, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 6675, as amended by the House.

JOYCE MULLIKEN, 13th District

ENGROSSED SUBSTITUTE SENATE BILL NO. 6277, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators B. Sheldon, Swecker, Jacobsen, Franklin, Morton, Costa, Fraser, Eide, Spanel, Thibaudeau and Kohl-Welles)

Authorizing cost-reimbursement agreements for leases and environmental permits.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Agriculture & Ecology was before the House for purpose of amendment. (For committee amendments, see Journal, 47th Day, February 25, 2000.)

Representative Linville moved the adoption of the following amendment (628) to the committee amendment:

On page 2, line 4 of the amendment, after "permit." insert "The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant."

On page 3, line 9 of the amendment, after "lease." insert "The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant."

On page 4, line 11 of the amendment, after "permit." insert "The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant."

On page 5, line 13 of the amendment, after "permit." insert "The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant."

On page 6, line 15 of the amendment, after "permit." insert "The air pollution control authority shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant."

Representatives Linville and G. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Morris moved the adoption of the following amendment (627) to the committee amendment:

On page 3, after line 24 of the amendment, insert the following:

"(4)(a) Until July 1, 2003, the use of state-owned aquatic lands for local public utility lines owned by a nongovernmental entity shall be granted by lease if the use is consistent with the purpose of RCW 79.90.450 through 79.90.460 and does not obstruct navigation or other public uses. The total charge for the term of the lease shall be the larger of (i) an amount equal to the diminution in the property value caused by locating the utility lines on the aquatic land, based on the appraised value of the land in its current use at the time of application for the lease, or (ii) five thousand dollars. The charge shall be paid in advance upon grant of the lease. The term of the lease shall be thirty years. In

addition to the charge for the lease, the department may charge a fee that recovers its actual administrative expenses directly incurred in receiving an application for the lease, approving the lease, and reviewing plans for and construction of the utility lines. A final decision on existing applications for leases shall be made within one hundred twenty days. The department shall process and come to a final decision on a maximum of five new applications submitted by each nongovernmental entity per year. Upon request of the applicant, the department may reach a decision on an application within sixty days and charge an additional fee for such an expedited processing in the amount of ten percent of the total rent.

(b) The utilities and aquatic lands task force is created. The task force is composed of the following: Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives; two members of the senate, one from each major caucus, appointed by the president of the senate; two members from the department of natural resources; one member from nonprofit electric utilities; and one member from investor-owned electric utilities. The utilities and aquatic lands task force shall study charges made for the lease or easement of aquatic lands for local public utility lines, and, by July 1, 2001, must recommend to the legislature any changes from current practice found appropriate."

Representatives Morris and Crouse spoke in favor of the adoption of the amendment.

POINT OF ORDER

Representative Dickerson requested a ruling on the Scope & Object of amendment (627).

There being no objection, the House deferred action on Engrossed Substitute Senate Bill No. 6277, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 3105, by Representatives McDonald, Lantz, Talcott, Bush, Campbell, Huff and Kastama

Apportioning a sales and use tax for zoos, aquariums, wildlife preserves, and regional parks.

The bill was read the second time.

There being no objection, the substitute bill by the Committee on Finance was not adopted.

Representative Carrell moved the adoption of the following amendment (612):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.400 and 1999 c 104 s 1 are each amended to read as follows:

(1) Upon the joint request of a metropolitan park district (~~and~~), a city with a population of more than one hundred fifty thousand, and a county legislative authority in a county with a national park and a population of more than five hundred thousand and less than one million five hundred thousand (~~may~~), the county shall submit an authorizing proposition to the county voters, fixing and imposing a sales and use tax in accordance with this chapter for the purposes designated in subsection ~~((3))~~ (4) of this section and identified in the joint request. Such proposition must be placed on a ballot for a special or general election to be held no later than one year after the date of the joint request.

(2) The proposition is approved if it receives the votes of a majority of those voting on the proposition.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal no more than one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(4) Moneys received from any tax imposed under this section shall be used solely for the purpose of providing funds for:

(a) Costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, or improvement of zoo, aquarium, and wildlife preservation and display facilities that are currently accredited by the American zoo and aquarium association; or

(b) Those costs associated with (a) of this subsection and costs related to parks located within a county described in subsection (1) of this section.

(5) The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county. In lieu of the charge for the administration and collection of local sales and use taxes under RCW 82.14.050 from which the county is exempt under this subsection (5), a percentage of the tax revenues authorized by this section equal to one-half of the maximum percentage provided in RCW 82.14.050 shall be transferred annually to the department of community, trade, and economic development, or its successor agency, from the funds allocated under subsection (6)(b) of this section for a period of twelve years from the first date of distribution of funds under subsection (6)(b) of this section. The department of community, trade, and economic development, or its successor agency, shall use funds transferred to it pursuant to this subsection (5) to provide, operate, and maintain community-based housing under chapter 43.185 RCW for persons who are mentally ill.

(6) If the joint request and the authorizing proposition include provisions for funding those costs included within subsection (4)(b) of this section, the tax revenues authorized by this section shall be allocated annually as follows:

(a) Fifty percent to the zoo and aquarium advisory authority; and

(b) Fifty percent to be distributed on a per capita basis as set out in the most recent population figures for unincorporated and incorporated areas only within that county, as determined by the office of financial management, solely for parks, as follows: To any metropolitan park district, to cities and towns not contained within a metropolitan park district, and the remainder to the county. Moneys received under this subsection (6)(b) by a county may not be used to replace or supplant existing per capita funding.

(7) Funds shall be distributed annually by the county treasurer to the county, and cities and towns located within the county, in the manner set out in subsection (6)(b) of this section.

(8) Prior to expenditure of any funds received by the county under subsection (6)(b) of this section, the county shall establish a process which considers needs throughout the unincorporated areas of the county in consultation with community advisory councils established by ordinance.

(9) By December 31, 2005, and thereafter, the county or any city with a population greater than eighty thousand must provide at least one dollar match for every two dollars received under this section.

(10) Properties subject to a memorandum of agreement between the federal bureau of land management, the advisory council on historic preservation, and the Washington state historic preservation officer have priority for funding from money received under subsection (6)(b) of this section for implementation of the stipulations in the memorandum of agreement.

(a) At least one hundred thousand dollars of the first four years of allocations under subsection (6)(b) of this section, to be matched by the county or city with one dollar for every two dollars received, shall be used to implement the stipulations of the memorandum of agreement and for other historical, archaeological, architectural, and cultural preservation and improvements related to the properties.

(b) The amount in (a) of this subsection shall come equally from the allocations to the county and to the city in which the properties are located, unless otherwise agreed to by the county and the city.

(c) The amount in (a) of this subsection shall not be construed to displace or be offered in lieu of any lease payment from a county or city to the state for the properties in question."

Representatives Carrell and Kastama spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Talcott and Kastama spoke in favor of passage of the bill.

MOTION

On motion of Representative Schoesler, Representatives Barlean and McDonald were excused.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 3105.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3105, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Fortunato, Koster and Veloria - 3.

Excused: Representatives Barlean and McDonald - 2.

Engrossed House Bill No. 3105, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed House Bill No. 3105.

JOYCE MULLIKEN, 13th District

SUBSTITUTE SENATE BILL NO. 5590, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Wojahn and Winsley; by request of Superintendent of Public Instruction)

Expanding the health professionals who may request administration of oral medication at school.

The bill was read the second time.

There being no objection, amendment (559) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Pflug spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5590.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5590, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 5590, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5805, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Prentice, Deccio, Kohl-Welles and Costa)

Completing the prescriptive authority of advanced registered nurse practitioners.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug, Schual-Berke and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 5805.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5805 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 5805, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6010, by Senators West, Jacobsen and Sheahan

Creating operating fees waivers not supported by state general fund appropriations.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Appropriations was adopted. (For committee amendments, see Journal, 50th Day, February 28, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Kenney spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6010, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6010, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Senate Bill No. 6010, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on Substitute Senate Bill No. 6071, and the bill held its place on the Second Reading calendar.

SUBSTITUTE SENATE BILL NO. 6115, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Brown, Bauer, Snyder, Rasmussen, Haugen, B. Sheldon, Eide, Jacobsen, McAuliffe, Gardner, Heavey, Franklin, Patterson, Prentice, T. Sheldon, Costa, Goings, McCaslin, Swecker and Winsley; by request of Governor Locke)

Reinstating the property tax exemption for motor vehicles, travel trailers, and campers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thomas and Rockefeller spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6115.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6115 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representatives McIntire and Murray - 2.

Substitute Senate Bill No. 6115, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6213, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio and Winsley)

Requiring guidelines for the response of emergency medical personnel to directives.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Schual-Berke spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6213.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6213 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6213, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6295, by Senate Committee on Judiciary (originally sponsored by Senators Heavey, McCaslin, Johnson, T. Sheldon, Swecker, Long and Deccio)

Changing garnishment proceedings.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Hurst spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6295.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6295 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Voting nay: Representative Sullivan - 1.

Engrossed Substitute Senate Bill No. 6295, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6363, by Senate Committee on State & Local Government (originally sponsored by Senators Gardner, Patterson, McCaslin, Winsley and Costa)

Clarifying procedures for absentee voting and mail ballots.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on State Government was not adopted. (For committee amendments, see Journal, 47th Day, February 25, 2000.)

There being no objection, amendments (633) and (631) were withdrawn.

Representative Schmidt moved the adoption of the following striking amendment (645):

Strike everything after the enacting clause and insert the following:

"PART I
ABSENTEE VOTING

Sec. 1. RCW 29.36.010 and 1991 c 81 s 29 are each amended to read as follows:

ABSENTEE BALLOT VOTING. Any registered voter of the state or any out-of-state voter, overseas voter, or service voter may vote by absentee ballot in any general election, special election, or primary in the manner provided in this chapter. Out-of-state voters, overseas voters, and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter.

~~((1) Except as provided in subsections (2) and (3) of this section, in RCW 29.36.013, and in RCW 29.36.170, a registered voter or elector desiring to cast an absentee ballot must request the absentee ballot from his or her county auditor no earlier than forty five days nor later than the day before any election or primary. Except as provided in subsection (3) of this section and in RCW 29.36.170, the request may be made orally in person, by telephone, or in writing. An application or request for an absentee ballot made under the authority of any federal statute or regulation shall be considered and given the same effect as a request for an absentee ballot under this chapter.~~

~~(2) For any registered voter, a request for an absentee ballot for a primary shall be honored as a request for an absentee ballot for the following general election if the voter so indicates in his or her request. For any out of state voter, overseas voter, or service voter, a request for an absentee ballot for a primary election shall also be honored as a request for an absentee ballot for the following general election.~~

~~(3) A voter admitted to a hospital no earlier than five days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the voter's written application for an absentee ballot.~~

~~(4) In a voter's request for an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an out of state voter, overseas voter, or service voter shall state the address of that elector's last residence for voting purposes in the state of Washington and either a written application or the oath on the return envelope shall include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee ballot from any other voter shall state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify such information from the voter registration records of the county.~~

~~(5) A request for an absentee ballot from a registered voter who is within this state shall be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an out of state voter, overseas voter, or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor. No person, organization, or association may distribute absentee ballot applications within this state that contain any return address other than that of the appropriate county auditor.~~

~~(6) A person may request an absentee ballot for use by the person as a registered voter and may request an absentee ballot on behalf of any member of that person's immediate family who is a registered voter for use by the family member. As a means of ensuring that a person who requests an absentee ballot is requesting the ballot for only that person or a member of the person's immediate family, the secretary of state shall adopt rules prescribing the circumstances under which an auditor: May require a person who requests an absentee ballot to identify the date of birth of the voter for whom the ballot is requested; and may deny a request which is not accompanied by this information.))~~

NEW SECTION. **Sec. 2.** A new section is added to chapter 29.36 RCW to read as follows:

REQUEST FOR SINGLE ABSENTEE BALLOT. (1) Except as otherwise provided by law, a registered voter or out-of-state voter, overseas voter, or service voter desiring to cast an absentee ballot at a single election or primary must request the absentee ballot from his or her county auditor no earlier than ninety days nor later than the day of the election or primary at which the person seeks to vote.

Except as otherwise provided by law, the request may be made orally in person, by telephone, electronically, or in writing. An application or request for an absentee ballot made under the authority of a federal statute or regulation will be considered and given the same effect as a request for an absentee ballot under this chapter.

(2) A voter requesting an absentee ballot for a primary may also request an absentee ballot for the following general election. A request by an out-of-state voter, overseas voter, or service voter for an absentee ballot for a primary election will be considered as a request for an absentee ballot for the following general election.

(3) In requesting an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an out-of-state voter, overseas voter, or service voter must include the address of the last residence in the state of Washington and either a written application or the oath on the return envelope must include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee ballot from any other voter must state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify that information from the voter registration records of the county.

(4) A request for an absentee ballot from a registered voter who is within this state must be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an out-of-state voter, overseas voter, or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor. No person, organization, or association may distribute absentee ballot applications within this state that contain a return address other than that of the appropriate county auditor.

NEW SECTION. Sec. 3. A new section is added to chapter 29.36 RCW to read as follows:
REQUESTING ABSENTEE BALLOT FOR FAMILY MEMBER. A registered voter may request an absentee ballot on behalf of and for use by a member of his or her immediate family who is also a registered voter. As a means of ensuring that a person who requests an absentee ballot is requesting the ballot for only that person or a member of the person's immediate family, the secretary of state shall adopt rules prescribing the circumstances under which an auditor may require a person who requests an absentee ballot to identify the date of birth of the voter for whom the ballot is requested and under what circumstances the auditor may deny a request that is not accompanied by this information.

Sec. 4. RCW 29.36.013 and 1999 c 298 s 12 are each amended to read as follows:
REQUEST FOR ONGOING ABSENTEE VOTER STATUS. Any registered voter may apply, in writing, for status as an ongoing absentee voter. Each qualified applicant shall automatically receive an absentee ballot for each ensuing election or primary for which ~~((he or she))~~ the voter is entitled to vote and need not submit a separate request for each election. Ballots received from ongoing absentee voters shall be validated, processed, and tabulated in the same manner as other absentee ballots.

Status as an ongoing absentee voter shall be terminated upon any of the following events:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record;
- (4) The return of an ongoing absentee ballot as undeliverable; or
- (5) Upon placing a voter on inactive status under RCW 29.10.071.

Sec. 5. RCW 29.36.170 and 1991 c 81 s 35 are each amended to read as follows:
SPECIAL ABSENTEE BALLOT. (1) As provided in this section, county auditors shall provide special absentee ballots to be used for state primary or state general elections. An auditor shall provide a special absentee ballot ~~((shall))~~ only ~~((be provided))~~ to a registered voter who completes an application stating that~~((:~~

~~((a) The voter believes that she or he will be residing or stationed or working outside the continental United States; and~~

~~(b) The voter believes that~~) she or he will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

The application for a special absentee ballot may not be filed earlier than ninety days before the applicable state primary or general election. The special absentee ballot ~~((shall))~~ will list the offices and measures, if known, scheduled to appear on the state primary or general election ballot. The voter may use the special absentee ballot to write in the name of any eligible candidate for each office and vote on any measure.

(2) With any special absentee ballot issued under this section, the county auditor shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that primary or election and a list of any issues that have been referred to the ballot before the time of the application.

(3) Write-in votes on special absentee ballots ~~((shall))~~ must be counted in the same manner provided by law for the counting of other write-in votes. The county auditor shall process and canvass the special absentee ballots provided under this section in the same manner as other absentee ballots under chapters 29.36 and 29.62 RCW.

(4) A voter who requests a special absentee ballot under this section may also request an absentee ballot under ~~((RCW 29.36.010))~~ section 2(4) of this act. If the regular absentee ballot is properly voted and returned, the special absentee ballot ~~((shall be deemed))~~ is void, and the county auditor shall reject it in whole when special absentee ballots are canvassed.

Sec. 6. RCW 29.36.030 and 1991 c 81 s 31 are each amended to read as follows:

ISSUANCE OF ABSENTEE BALLOT. (1) The county auditor shall issue an absentee ballot for the primary or election for which it was requested, or for the next occurring primary or election when ongoing absentee status has been requested if the information contained in a request for an absentee ballot or ongoing absentee status received by the county auditor is complete and correct and the applicant is qualified to vote under federal or state law~~((, the county auditor shall issue an absentee ballot for the primary or election for which the absentee ballot was requested))~~. Otherwise, the county auditor shall notify the applicant of the reason or reasons why the request cannot be accepted. Whenever two or more candidates have filed for the position of precinct committee officer for the same party in the same precinct at a general election held in an even-numbered year, the contest for that position must be presented to absentee voters from that precinct by either including the contest on the regular absentee ballot or a separate absentee ballot. The ballot must provide space designated for writing in the name of additional candidates.

~~((At each general election in an even-numbered year, each absentee voter shall also be given a separate ballot containing the names of the candidates that have filed for the office of precinct committee officer unless fewer than two candidates have filed for the same political party in the absentee voter's precinct. The ballot shall provide space for writing in the name of additional candidates.~~

~~When mailing an absentee ballot to a registered voter temporarily outside the state or to an out-of-state voter, overseas voter, or service voter, the county auditor shall send a)~~ (2) The county auditor may issue replacement absentee ballots to a registered voter who both: (a) Requested an absentee ballot before election or primary day or is an ongoing absentee voter; and (b) did not receive the regular absentee ballot or whose regular absentee ballot was damaged, lost, or destroyed. A registered voter may request a replacement absentee ballot in person, by mail, by telephone, or by other electronic transmission for himself or herself and for any member of his or her immediate family. The request must be received by the county auditor before 8:00 p.m. on election or primary day. The county auditor shall maintain a record of each replacement absentee ballot issued, including the date of the request. A replacement absentee ballot may be counted in the final tabulation of ballots only if the original absentee ballot is not received by the county auditor and the replacement absentee ballot meets all requirements for tabulation necessary for the tabulation of regular absentee ballots.

(3) A copy of the state voters' and candidates' pamphlet must be sent to registered voters temporarily outside the state, out-of-state voters, overseas voters, and service voters along with the absentee ballot if such a pamphlet has been prepared for the primary or election. The county auditor

shall mail all absentee ballots and related material to voters outside the territorial limits of the United States and the District of Columbia under 39 U.S.C. 3406.

Sec. 7. RCW 29.36.035 and 1984 c 27 s 2 are each amended to read as follows:

DELIVERY OF ABSENTEE BALLOT. The delivery of an absentee ballot for any primary or election shall be subject to the following qualifications:

(1) Only the registered voter (~~(, himself)~~) personally, or a member of ~~((his))~~ the registered voter's immediate family may pick up an absentee ballot for the voter at the office of the issuing officer unless the voter is ~~((hospitalized))~~ a resident of a health care facility, as defined by RCW 70.37.020(3), on election day and applies by messenger (~~(in accordance with RCW 29.36.010))~~ for an absentee ballot (~~(on the day of the primary or election))~~). In this latter case, the messenger may pick up the ~~((hospitalized))~~ voter's absentee ballot.

(2) Except as noted in subsection (1) ~~((above))~~ of this section, the issuing officer shall mail or deliver the absentee ballot directly to each applicant.

~~((3) No absentee ballot shall be issued on the day of the primary or election concerned, except as provided by RCW 29.36.010, for a voter confined to a hospital on the day of a primary or election.))~~

Sec. 8. RCW 29.36.045 and 1987 c 346 s 12 are each amended to read as follows:

ENVELOPES AND INSTRUCTIONS. The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The larger return envelope ~~((shall))~~ must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope ~~((shall))~~ must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter ~~((shall))~~ must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope ~~((shall))~~ must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter ~~((shall))~~ must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

NEW SECTION. **Sec. 9.** A new section is added to chapter 29.36 RCW to read as follows:

RULES--OBSERVERS. (1) Ballots must be processed in the manner provided by administrative rule adopted by the secretary of state.

(2) County auditors must request that observers be appointed by the major political parties and be present during the processing of absentee ballots.

Sec. 10. RCW 29.36.060 and 1991 c 81 s 32 are each amended to read as follows:

PROCESSING ABSENTEE BALLOTS. (1) The opening and subsequent processing of return envelopes for any primary or election may begin on or after the tenth day ~~((prior to such))~~ before the primary or election. The opening of the security envelopes and tabulation of absentee ballots ~~((shall))~~ must not commence until after 8:00 ~~((o'clock))~~ p.m. on the day of the primary or election.

(2) After opening the return envelopes, the county canvassing board shall place all of the ballot envelopes in containers that can be secured with numbered seals. These sealed containers ~~((shall))~~ must be stored in a secure location until after 8:00 ~~((o'clock))~~ p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation before sealing the containers.

(3) Before opening a return envelope that contains the security envelope and absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature ~~((on each return envelope containing the security envelope and absentee ballot))~~. They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files ~~((for that voter))~~ of the county. For ~~((absentee))~~ registered voters ~~((other than out-of-state voters, overseas voters, and service voters, if the postmark is illegible))~~ casting absentee ballots, the date on the return envelope to which the voter ~~((attests shall))~~ has attested determines the validity, as to the time of voting ~~((, of))~~ for that absentee ballot ~~((under this chapter))~~ if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. For any absentee ~~((voter))~~ ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

Sec. 11. RCW 29.36.070 and 1990 c 262 s 2 are each amended to read as follows:

COUNTING ABSENTEE BALLOTS. The absentee ballots ~~((shall be grouped and counted by))~~ must be reported at a minimum on a congressional and legislative district ~~((without regard to))~~ basis. Absentee ballots may be counted by congressional or legislative basis or by individual precinct, except as required under RCW 29.62.090(2).

These returns ~~((shall))~~ must be added to the total of the votes cast at the polling places.

Sec. 12. RCW 29.36.075 and 1988 c 181 s 3 are each amended to read as follows:

CREDIT FOR VOTING. ~~((In counties that do not tabulate absentee ballots on electronic vote tallying systems, canvassing boards may not tabulate or record votes cast by absentee ballots on any uncontested office except write-in votes for candidates for the office of precinct committee person who have filed valid declarations of candidacy under RCW 29.04.180. "Uncontested office" means an office where only one candidate has filed a valid declaration of candidacy either during the regular filing period or as a write-in candidate under RCW 29.04.180.))~~

Each registered voter casting an absentee ballot ~~((shall))~~ will be credited with voting on his or her voter registration record. Absentee ballots ~~((shall))~~ must be retained for the same length of time and in the same manner as ballots cast at the precinct polling places.

Sec. 13. RCW 29.36.097 and 1991 c 81 s 33 are each amended to read as follows:

ABSENTEE BALLOT RECORDS. Each county auditor shall maintain in his or her office, open for public inspection and copying, a record of the requests he or she has received for absentee ballots ~~((under this chapter))~~ and a listing of all ongoing absentee voters.

The information from the requests ~~((shall))~~ must be recorded and lists of this information ~~((shall))~~ must be available no later than ~~((twenty-four hours))~~ the next business day after their receipt. Lists of ongoing absentee voters must be available at all times.

This information about absentee voters ~~((shall))~~ requesting ballots will be available according to the date of the requests and by legislative district. It ~~((shall))~~ must include the name of each applicant, the address and precinct in which the voter maintains a voting residence, the date on which an absentee ballot was issued to this voter, if applicable, the type of absentee ballot, and the address to which the ballot was or is to be mailed, if applicable.

The auditor shall make copies of these records available to the public in either paper or electronic format for the actual cost of production or copying.

Sec. 14. RCW 29.36.100 and 1987 c 346 s 18 are each amended to read as follows:

CHALLENGED ABSENTEE BALLOTS. The qualifications of any absentee voter may be challenged at the time the signature on the return envelope is verified and the ballot is processed by the canvassing board. The board has the authority to determine the legality of any absentee ballot challenged under this section. Challenged ballots must be handled in accordance with chapter 29.10 RCW.

Sec. 15. RCW 29.36.150 and 1993 c 417 s 7 are each amended to read as follows:

OVERSEAS AND SERVICE VOTERS. ~~((The secretary of state shall adopt rules to:~~

~~(1) Establish standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;~~

~~(2) Establish standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;~~

~~(3) Provide uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections; and~~

~~(4) Facilitate the operation of the provisions of this chapter regarding out-of-state voters, overseas voters, and service voters.))~~

The secretary of state shall produce and furnish envelopes and instructions for out-of-state voters, overseas voters, and service voters to the county auditors.

Sec. 16. RCW 29.36.160 and 1994 c 269 s 2 are each amended to read as follows:

PENALTY. A person who willfully violates any provision of this chapter regarding the assertion or declaration of qualifications to receive or cast an absentee ballot~~((; or willfully violates any provision regarding the conduct of mail ballot primaries or elections under RCW 29.36.120 through 29.36.139))~~ or unlawfully casts a vote by absentee ballot is guilty of a class C felony punishable under RCW 9A.20.021. Except as provided in chapter 29.85 RCW a person who willfully violates any other provision of this chapter is guilty of a misdemeanor.

PART II MAIL BALLOTS

Sec. 17. RCW 29.36.120 and 1994 c 269 s 1 and 1994 c 57 s 48 are each reenacted and amended to read as follows:

MAIL BALLOT PRECINCTS. ~~((~~(1) At any primary or election, general or special,~~))~~ The county auditor may ~~((; in))~~ designate any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in RCW 29.07.160~~((; conduct the voting in that precinct by))~~ as a mail ballot precinct. ~~((For any precinct having fewer than two hundred active registered voters where voting at a primary or a general election is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of that primary or general election, mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in that precinct will be by mail ballot, an application form for a mail ballot, and a postage prepaid envelope, preaddressed to the issuing officer. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of that primary or general election. For all subsequent mail ballot elections in that precinct the application is valid so long as the voter remains active and qualified to vote.))~~ The county auditor shall notify each registered voter by mail that for all future primaries and elections the voting in his or her precinct will be by mail ballot only. In determining the number of registered voters in a precinct for the purposes of this section, persons who are ongoing absentee voters under RCW 29.36.013 (as recodified by this act) shall not be counted. Nothing in this section may be construed as altering the vote tallying requirements of RCW 29.62.090.

~~((At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.~~

~~In no instance shall any special election be conducted by mail ballot in any precinct with two hundred or more active registered voters if candidates for partisan office are to be voted upon.~~

~~For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of such election, mail or deliver to each active registered voter a mail ballot and an envelope, preaddressed to the issuing officer.)~~ As soon as ballots are available, the county auditor shall mail or deliver a ballot and an envelope, preaddressed to the issuing officer, to each active registered voter. The auditor shall send each inactive voter either a ballot or an application to receive a ballot. The auditor shall determine which of the two is to be sent. If the inactive voter returns a voted ballot, the ballot shall be counted and the voter's status restored to active. If the inactive voter completes and returns an application, a ballot shall be sent and the voter's status restored to active.

~~((2) For a two-year period beginning on June 9, 1994, and ending two years after June 9, 1994, the county auditor may conduct the voting in any precinct by mail for any primary or election, partisan or nonpartisan, using the procedures set forth in RCW 29.36.120 through 29.36.139.))~~

If the precinct exceeds two hundred registered voters, or the auditor determines to return to a polling place election environment, the auditor shall notify each registered voter, by mail, of this and shall provide the address of the polling place to be used.

Sec. 18. RCW 29.36.121 and 1994 c 57 s 49 are each amended to read as follows:

MAIL BALLOT SPECIAL ELECTIONS. ~~((1))~~ At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the special election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

~~((2) In an odd-numbered year, the county auditor may conduct by mail ballot a primary or a special election concurrently with the primary:~~

~~(a) For any office or ballot measure of a special purpose district which is entirely within the county;~~

~~(b) For any office or ballot measure of a special purpose district which lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and~~

~~(c) For any ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.~~

~~A primary in an odd-numbered year may not be conducted by mail ballot in any precinct with two hundred or more active registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.~~

~~((3))~~ For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days before the date of such election, mail or deliver to each registered voter a mail ballot ~~((and an envelope, preaddressed to the issuing officer. The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot)).~~ The auditor shall handle inactive voters in the same manner as inactive voters in mail ballot precincts.

~~((4) To the extent they are not inconsistent with subsections (1) through (3) of this section, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.))~~

NEW SECTION. Sec. 19. ODD-YEAR PRIMARIES BY MAIL. In an odd-numbered year, the county auditor may conduct a primary or a special election by mail ballot concurrently with the primary:

(1) For an office or ballot measure of a special purpose district that is entirely within the county;

(2) For an office or ballot measure of a special purpose district that lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and

(3) For a ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.

The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot.

A primary in an odd-numbered year may not be conducted by mail ballot in a precinct with two hundred or more active registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.

To the extent they are not inconsistent with other provisions of law, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.

Sec. 20. RCW 29.36.126 and 1993 c 417 s 4 are each amended to read as follows:

RETURN OF VOTED BALLOT BY VOTER. ~~((Upon receipt of the mail ballot, the voter shall mark it, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the county auditor. The ballot must be returned))~~ A mail ballot must be returned by mail in the same manner as an absentee ballot or placed in the return identification envelope~~((-- If mailed, a ballot must be postmarked not later than the date of the election. Otherwise, the ballot must be~~) and deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the primary or election.

Sec. 21. RCW 29.36.130 and 1993 c 417 s 5 are each amended to read as follows:

BALLOT CONTENTS--COUNTING. All mail ballots authorized by RCW 29.36.120 or 29.36.121 ~~((shall))~~ (as recodified by this act) or section 19 of this act must contain the same offices, names of nominees or candidates, and propositions to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided ~~((in this chapter))~~ by law, mail ballots ~~((shall))~~ must be ~~((issued and canvassed))~~ treated in the same manner as absentee ballots issued ~~((pursuant to))~~ at the request of the voter. ~~((The county canvassing board, at the request of the county auditor, may direct that mail ballots be counted on the day of the election. If such count is made, it must be done in secrecy in the presence of the canvassing board or their authorized representatives and the results not revealed to any unauthorized person until 8:00 p.m. or later if the auditor so directs.))~~ If electronic vote tallying devices are used, political party observers ~~((shall be afforded))~~ must be given the opportunity to be present, and a test of the equipment must be performed as required by RCW 29.33.350 ~~((prior to the count of))~~ before tabulating ballots. Political party observers may select at random ballots to be counted manually as provided by RCW 29.54.025. Any violation of the secrecy of ~~((such))~~ the count ~~((shall be))~~ is subject to the same penalties as provided for in RCW 29.85.225.

NEW SECTION. Sec. 22. PENALTY. A person who willfully violates any provision of this chapter regarding the conduct of mail ballot primaries or elections is guilty of a class C felony punishable under RCW 9A.20.021.

PART III MISCELLANEOUS

Sec. 23. RCW 29.04.055 and 1986 c 167 s 3 are each amended to read as follows:

COMBINING OR DIVIDING PRECINCTS, ELECTION BOARDS. At any ~~((election, general or))~~ special election~~((, or))~~ ~~((at any))~~ primary, the county auditor may combine, unite, or divide precincts and may combine or unite election boards for the purpose of holding such election. At any general election, the county auditor may combine or unite election boards for the purpose of holding such election, but shall report all election returns by individual precinct.

Sec. 24. RCW 29.62.090 and 1999 c 298 s 21 are each amended to read as follows:

ABSTRACT BY ELECTION OFFICER--TRANSMITTAL TO SECRETARY OF STATE.

(1) Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such state primary or general election for and against each state measure((s)) and for each candidate or nominee for federal, state, and legislative office ((or)), and for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and transmitted to the secretary of state no later than the next business day following the certification by the county canvassing board.

(2) ~~((After each general election, the county auditor or other election officer shall provide to the secretary of state a report of the number of absentee ballots cast in each precinct for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The report may be included in the abstract required by this section or may be transmitted to the secretary of state separately, but in no event later than March 31 of the year following the election.))~~ Absentee ballot results may be incorporated into votes cast at the polls for each precinct or may be reported separately on a precinct-by-precinct basis.

~~((3))~~ If absentee ballot results are not incorporated into votes cast at the polls, the county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's absentee ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which absentee results are aggregated shall be contiguous.

**PART IV
TECHNICAL**

NEW SECTION. **Sec. 25.** The following acts or parts of acts are each repealed:

(1) RCW 29.36.122 (Special election by mail--Sending ballots to voters) and 1994 c 57 s 50, 1993 c 417 s 3, & 1983 1st ex.s. c 71 s 2; and

(2) RCW 29.36.139 (Mail ballots--Counting requirements--Challenge) and 1993 c 417 s 6 & 1983 1st ex.s. c 71 s 6.

NEW SECTION. **Sec. 26.** (1) RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, and 29.36.160 are each recodified within chapter 29.36 RCW, in the order shown in this act, along with sections 2, 3, and 9 of this act.

(2) RCW 29.36.120, 29.36.121, 29.36.124, 29.36.126, and 29.36.130 are each recodified, and, along with sections 19 and 23 of this act, constitute a new chapter in Title 29 RCW.

(3) RCW 29.36.050 is recodified as a new section in chapter 29.51 RCW.

NEW SECTION. **Sec. 27.** Section captions and part headings used in this act are not part of the law."

Representative Ericksen moved the adoption of the following amendment (647) to the striking amendment:

On page 8, beginning on line 33 of the amendment, strike all of section 10 and insert the following:

"**Sec. 10.** RCW 29.36.060 and 1991 c 81 s 32 are each amended to read as follows:

PROCESSING ABSENTEE BALLOTS. (1) The opening and subsequent processing of return identification envelopes for any primary or election may begin on or after the tenth day ~~((prior to such))~~ before the primary or election. The opening of the security envelopes and tabulation of absentee ballots ~~((shall))~~ must not commence until after 8:00 ~~((o'clock))~~ p.m. on the day of the primary or election.

(2) After opening the return identification envelopes, the county canvassing board or its representative shall place all of the ~~((ballot))~~ inner security envelopes in containers that can be secured with numbered seals. These sealed containers ~~((shall))~~ must be stored in a secure location until after 8:00 ~~((o'clock))~~ p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation before sealing the containers.

(3) Before opening a return envelope that contains the inner security envelope and absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature ~~((on each return envelope containing the security envelope and absentee ballot))~~. An absentee ballot may be counted only if the return identification envelope was signed by the date of the primary or election for which it was issued and was either returned before the close of the polls on the day of the primary or election for which it was issued or has a date of mailing by the date of the primary or election for which it was issued. They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files ~~((for that voter))~~ of the county. The date of mailing is the postmark date. However, for ~~((absentee))~~ registered voters ~~((other than out-of-state voters, overseas voters, and service voters, if the postmark is illegible))~~ casting absentee ballots, the date on the return envelope to which the voter ~~((attests shall))~~ has attested determines the validity, as to the ~~((time of voting, of))~~ date of mailing for that absentee ballot ~~((under this chapter))~~ if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters, the date on the return envelope to which the voter has attested determines the validity as to the date of mailing for that absentee ballot. For any absentee ~~((voter))~~ ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same."

Representatives Ericksen and Schmidt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Romero spoke against the adoption of the amendment to the striking amendment.

Division was demanded. Speaker Chopp divided the House. The result of the division was 56-YEAS; 42-NAYS. The amendment to the striking amendment was adopted.

Representative Hankins moved the adoption of the following amendment (648) to the striking amendment:

On page 17, after line 11 of the amendment, insert:

"**Sec. 25.** RCW 29.07.152 and 1993 c 383 s 1 are each amended to read as follows:

This section establishes a special procedure which an elector may use to register to vote during the period beginning after the closing of registration for voting at the polls under RCW 29.07.160 and ending on the fifteenth day before a primary, special election, or general election. During this period, ~~((the unregistered))~~ a qualified elector who is not registered to vote in his or her county of residence may register to vote in person in the office of the county auditor or at a voter registration location specifically designated for this purpose by the county auditor of the county in which the applicant resides~~((, and))~~. Persons who register during this period are not eligible to vote at the polls but may apply for an absentee ballot for that primary or election. The auditor ~~((or voter registrar))~~ shall register that individual in the manner provided in this chapter~~((The application for an absentee ballot executed by the newly registered voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form))~~ and promptly execute that individual's request for an absentee ballot."

Renumber the following sections consecutively and correct the title.

Representatives Hankins, Romero and McMorris spoke in favor of the adoption of the amendment to the striking amendment.

Representative Morris spoke against the adoption of the amendment to the striking amendment.

The amendment was adopted.

The striking amendment as amended was adopted.

There being no objection, the House deferred action on Engrossed Substitute Senate Bill No. 6363, and the bill held its place on the Second Reading calendar.

SUBSTITUTE SENATE BILL NO. 6450, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senator Jacobsen)

Clarifying the deposit and use of moneys for wildlife publications.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Natural Resources was adopted. (For committee amendments, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Regala, Buck and Doumit spoke in favor of passage of the bill.

Representatives Sump, Pennington, Clements and Pennington (again) spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6450, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6450, as amended by the House, and the bill passed the House by the following vote: Yeas - 52, Nays - 46, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Ballasiotes, Buck, Cody, Constantine, Cooper, Dickerson, Doumit, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Hankins, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lovick, Mastin, McIntire, Miloscia, Murray, O'Brien, Ogden, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Scott, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 52.

Voting nay: Representatives Alexander, Barlean, Benson, Boldt, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Conway, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fortunato, Haigh, Hatfield, Huff, Koster, Lambert, Lisk, McDonald, McMorris, Mielke, Mitchell, Morris, Mulliken, Parlette, Pennington, Pflug, Schindler, Schoesler, Skinner, D. Sommers, Sump, Thomas, Van Luven, Wensman, Woods and Mr. Speaker Ballard - 46.

Substitute Senate Bill No. 6450, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6454, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Brown and Jacobsen)

Eliminating references to obsolete natural resources accounts.

The bill was read the second time.

Representative Huff moved the adoption of the following amendment (615):

On page 1, line 15, after "account", insert "--recreation"

Representative Huff spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative H. Sommers spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6454, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6454, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6454, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6602, by Senators Loveland and Patterson

Revising membership of certain LEOFF disability boards.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Sommers and Alexander spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6602.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6602 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Senate Bill No. 6602, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6761, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove; by request of Department of Corrections)

Authorizing agreements for the operation of correctional facilities and programs in any other state.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6761.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6761 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute Senate Bill No. 6761, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6775, by Senators Patterson, Horn, Haugen, Shin, Prentice, Goings, Gardner and Costa

Simplifying public disclosure report filing and distributions.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on State Government was adopted. (For committee amendments, see Journal, 46th Day, February 24, 2000.)

Representative Romero moved the adoption of the following amendment (625):

On page 2, line 27, beginning with "for at" strike all the matter through "commission" on line 33, and insert "~~((for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission))~~ in the same manner as provided for candidates and other political committees in RCW 42.17.080(5)"

On page 4, line 33, beginning with "on" strike all the matter through "42.17.040" on line 36, and insert "between 8:00 a.m. and 8:00 p.m. on the eighth day immediately before the election, ((between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040)) except when it is a legal holiday, in which case on the seventh day immediately before the election"

On page 6, beginning on line 13, strike all of section 4 and insert the following:

Sec. 4. RCW 42.17.3691 and 1999 c 401 s 12 are each amended to read as follows:

(1) Beginning January 1, ~~((2001))~~ 2002, each ~~((continuing))~~ candidate or political committee~~((s))~~ that expended ~~((ten))~~ twenty-five thousand dollars or more in the preceding year or expects to expend ~~((ten))~~ twenty-five thousand dollars or more ~~((in expenditures))~~ in the current year~~((s))~~ shall file all contribution reports and expenditure reports required by this chapter ~~((electronically by diskette or via modem, satellite, or the Internet))~~ by the electronic alternative provided by the commission under RCW 42.17.369. HOWEVER, the commission may make exceptions on a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports using the electronic alternative provided by the commission.

(2) Beginning January 1, 2004, each candidate or political committee that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in the current year shall file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission under RCW 42.17.369. HOWEVER, the commission may make exceptions on a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports using the electronic alternative provided by the commission.

(3) Failure by a ~~((continuing))~~ candidate or political committee to comply with this section is a violation of this chapter."

On page 8, after line 13, insert the following:

Sec. 7. RCW 42.52.180 and 1995 c 397 s 30 are each amended to read as follows:

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state

employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ethics boards shall adopt by rule a definition of measurable expenditure;

(c) Activities that are part of the normal and regular conduct of the office or agency; ~~((and))~~

(d) Creation of an electronic link from a web site operated by a state officer or state employee to a web site operated by the state; and

(e) De minimis use of public facilities by state-wide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17.130.

Representatives Romero and Lambert spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Lambert moved the adoption of the following amendment (630):

On page 8, after line 13, insert the following:

Sec. 7. RCW 42.52.180 and 1995 c 397 s 30 are each amended to read as follows:

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ethics boards shall adopt by rule a definition of measurable expenditure;

(c) Activities that are part of the normal and regular conduct of the office or agency; ~~((and))~~
(d) Creation of an electronic link from a web site operated by a state officer or state employee to a web site operated by the state; and

(e) De minimis use of public facilities by state-wide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17.130.

Representatives Lambert and Romero spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Lambert spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6775, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6775, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Senate Bill No. 6775, as amended by the House, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8021, by Senators Spanel, Haugen, Gardner and Kline

Requesting the designation of the Paul N. Luvera, Sr. Memorial Highway.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Morris spoke in favor of passage of the memorial.

Speaker Chopp stated the question before the House to be final passage of Senate Joint Memorial No. 8021.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8021 and the memorial passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Voting nay: Representative Lambert - 1.

Senate Joint Memorial No. 8021, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6431, by Senators Heavey, West, Prentice, Hale, Winsley, Horn, Gardner and Roach; by request of Horse Racing Commission

Allowing for the dissemination of criminal history record information to the horse racing commission.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Judiciary was adopted. (For committee amendments, see Journal, 47th Day, February 25, 2000.)

Representative Sump moved the adoption of the following amendment (629):

On page 1, after line 12, insert the following:

NEW SECTION. **Sec. 2.** This act expires June 30, 2003.

Representatives Sump, Hurst and Dunshee spoke in favor of the adoption of the amendment.

Representative Ogden spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes, Hurst, Carrell, Hurst (again) and Cairnes (again) spoke in favor of passage of the bill.

Representatives Radcliff and Ballasiotes spoke against the passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6431, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6431, as amended by the House, and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Murray, O'Brien, Ogden, Pennington, Poulsen, Quall, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Mr. Speaker Ballard and Mr. Speaker Chopp - 88.

Voting nay: Representatives Ballasiotes, Hankins, Mitchell, Mulliken, Parlette, Pflug, Radcliff, Skinner, Thomas and Woods - 10.

Senate Bill No. 6431, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5212, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, Winsley, Thibaudeau, Franklin, Rasmussen and Costa)

Providing for school safety plans.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Appropriations was before the House for purpose of amendment. (For committee amendments, see Journal, 50th Day, February 28, 2000.)

Representative Talcott moved the adoption of the following amendment (638) to the committee amendment:

On page 5, line 1, beginning with "(1)" strike everything through "violence" on page 5, line 3.

Representatives Talcott and Stensen spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rockefeller, Talcott, Kastama and Carlson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5212, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5212, as amended by the House, and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lovick, McDonald, McIntire, Mielke, Miloscia, Morris, Murray, O'Brien, Ogden, Pennington, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods and Mr. Speaker Chopp - 84.

Voting nay: Representatives B. Chandler, G. Chandler, Crouse, Koster, Lisk, Mastin, McMorris, Mitchell, Mulliken, Parlette, Pflug, Schindler, Sump and Mr. Speaker Ballard - 14.

Engrossed Second Substitute Senate Bill No. 5212, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5739, by Senators Thibaudeau and Deccio

Preparing certificates of death or fetal death.

The bill was read the second time.

Representative Lambert moved the adoption of the following amendment (607):

On page 2, after line 32, insert the following:

"NEW SECTION. Sec. 3. RCW 43.103.100 and 1991 c 176 s 6 are each amended to read as follows:

(1) The council shall research and develop an appropriate training component on the subject of sudden, unexplained child death, including but not limited to sudden infant death syndrome. The training component shall include, at a minimum:

~~((1))~~ (a) Medical information on sudden, unexplained child death for first responders, including awareness and sensitivity in dealing with families and child care providers, and the importance of forensically competent death scene investigation;

~~((2))~~ (b) Information on community resources and support groups available to assist families who have lost a child to sudden, unexplained death, including sudden infant death syndrome; and

~~((3)) Development and adoption of an up to date protocol of investigation in cases of sudden, unexplained child death, including the importance of a consistent policy of thorough death scene investigation, and an autopsy in unresolved cases as appropriate;~~

~~((4))~~ (c) The value of timely communication between the county coroner or medical examiner and the public health department, when a sudden, unexplained child death occurs, in order to achieve a better understanding of such deaths, and connecting families to various community and public health support systems to enhance recovery from grief.

(2) The council shall work with volunteer groups with expertise in the area of sudden, unexplained child death, including but not limited to the SIDS ~~((Northwest Regional Center at Children's Hospital, the Washington chapter of the national SIDS))~~ foundation((7)) of Washington and the Washington association of county officials.

~~((Upon development of an appropriate curriculum, agreed upon by the council, the training module shall be offered to first responders, coroners, medical examiners, prosecuting attorneys serving as coroners, and investigators, both voluntarily through their various associations and as a course offering at the criminal justice training center.))~~

(3) Basic training for death investigators offered by the Washington association of coroners and medical examiners and the criminal justice training commission shall include a module which

specifically addresses the investigations of the sudden unexplained deaths of children under the age of three. The training module shall include a scene investigation protocol endorsed or developed by the council. A similar training curriculum shall be required for city and county law enforcement officers and emergency medical personnel certified by the department of health as part of their basic training through the criminal justice training commission or the department of health emergency medical training certification program.

(4) Each county shall use a protocol that has been endorsed or developed by the council for scene investigations of the sudden unexplained deaths of children under the age of three. The council may utilize guidelines from the center for disease control and other appropriate resources.

(5) The council shall develop a protocol for autopsies of children under the age of three whose deaths are sudden and unexplained. This protocol shall be used by pathologists who are not certified by the American board of pathology in forensic pathology, and who are providing autopsy services to coroners and medical examiners.

Sec. 4. RCW 68.50.104 and 1983 1st ex.s. c 16 s 14 are each amended to read as follows:

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy(~~(; and except when performed on a body of an infant under the age of three years by the University of Washington medical school, in which case the medical school shall bear the cost of such autopsy)~~).

(2) Except as provided in (c) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations(~~(-)~~) account, established by RCW 43.79.445, as follows:

~~((+))~~ (a) Up to forty percent of the cost of contracting for the services of a pathologist to perform an autopsy; ~~(and~~

~~(-))~~ (b) Up to twenty-five percent of the salary of pathologists who are primarily engaged in performing autopsies and are ~~((+))~~ (i) county coroners or county medical examiners, or ~~((+))~~ (ii) employees of a county coroner or county medical examiner; and

(c) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels."

Representatives Lambert and Lantz spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pflug and Schual-Berke spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 5739, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5739, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Senate Bill No. 5739, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6071, by Senate Committee on Judiciary (originally sponsored by Senators Rossi, Johnson, McCaslin, T. Sheldon and Oke)

Increasing penalties for hit and run where an injury or death occurs.

The bill was read the second time.

There being no objection, the committee amendments by the Committee on Appropriation was not adopted. (For committee amendments, see Journal, 50th Day, February 28, 2000.) There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was adopted. (For committee amendments, see Journal, 47th Day, February 25, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6071, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6071, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6071, as amended by the House, having received the constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House reconsidered the vote by which Engrossed House Bill No. 3105 passed the House.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 3105 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3105 on reconsideration, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 93.

Voting nay: Representatives Crouse, Fortunato, Koster, Mulliken and Schindler - 5.

Engrossed House Bill No. 3105, on reconsideration, having received the constitutional majority, was declared passed.

INTRODUCTIONS AND FIRST READING

HB 3153 by Representatives Reardon and Cody

AN ACT Relating to insurance coverage for neurodevelopmental therapies; and amending RCW 41.05.170, 48.21.310, 48.44.450, and 48.46.520.

Referred to Committee on Health Care.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

March 2, 2000

E2SSB 6067 Prime Sponsor, Committee on Health & Long-Term Care: Modifying provisions concerning access to individual health insurance coverage. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Democratic Co-Chair; Parlette, Republican Co-Chair; Pflug, Republican Vice Chair; Alexander; Campbell; Edmonds; Mulliken; Pennington and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Schual-Berke, Democratic Vice Chair; Conway and Edwards.

Voting yea: Representatives Cody, Parlette, Pflug, Alexander, Campbell, Edmonds, Mulliken, Pennington and Ruderman.

Voting nay: Representatives Schual-Berke, Conway and Edwards.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was placed on the Second Reading calendar.

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

EIGHTH ORDER

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading Calendar:

HOUSE BILL NO. 2381,

HOUSE BILL NO. 3144,

SUBSTITUTE SENATE BILL NO. 5001,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6067,

SECOND SUBSTITUTE SENATE BILL NO. 6199,

ENGROSSED SENATE BILL NO. 6236,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6305,

SUBSTITUTE SENATE BILL NO. 6373,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6400,

SUBSTITUTE SENATE BILL NO. 6401,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6455,

SUBSTITUTE SENATE BILL NO. 6589,

SUBSTITUTE SENATE BILL NO. 6663,

SUBSTITUTE SENATE BILL NO. 6812,

ENGROSSED SENATE JOINT MEMORIAL NO. 8015,

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:00 a.m., Friday, March 3, 2000, the 54th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTY THIRD DAY, MARCH 2, 2000

JOURNAL OF THE HOUSE

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

FIFTY FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 3, 2000

The House was called to order at 9:00 a.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ila Wagner and Reagan Larkin. Prayer was offered by Reverend James T. Ericksen, Our Redeemers Lutheran Church, Seattle.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4778, by Representatives Hurst, Stensen, McDonald, Kastama, Wensman and Pflug

WHEREAS, The Buckley community has lost a friend with the recent passing of Dr. Charles Jesse Rose; and

WHEREAS, Dr. Rose was born on May 2, 1910, in Colorado Springs, Colorado, and relocated to the Enumclaw area as an infant; and

WHEREAS, Dr. Rose married Maxine Cobel Rose, and they were blessed with four daughters, Ann, Martha, Kay, and Lyn; and

WHEREAS, As a young man, Dr. Rose served the United States Forest Service as a lookout man and built trails in the hills of Washington he loved so much; and

WHEREAS, Dr. Rose graduated from Washington State University and practiced veterinary medicine in the Enumclaw-Buckley area from 1944 to 1986; and

WHEREAS, In 1953, Dr. Rose initiated the reenactment of the Naches Pass crossing on the 100th anniversary of the event; and

WHEREAS, Dr. Rose was a loving "Bapa" to nine grandchildren, five great-grandchildren, and many other children to whom he served as a grandfatherly figure; and

WHEREAS, Volunteerism and service projects, including serving seven years as superintendent of the draft horses at the Western Washington Fair, kept him busy in his adult years; and

WHEREAS, Dr. Rose spent endless hours ensuring the area's heritage was preserved by founding and serving as curator of the Foothills Historical Society and Museum;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize, on behalf of grateful citizens, the long life and many contributions of Dr. Charles Jesse Rose; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to his daughters, Ann, Martha, Kay, and Lyn, and to the Foothills Historical Society and Museum.

Representative Hurst moved adoption of the resolution.

Representatives Hurst and Stensen spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4778 was adopted.

HOUSE RESOLUTION NO. 2000-4743, by Representatives Romero, Wolfe, Alexander, Wensman, Parlette, G. Chandler, Carlson, Fortunato, Skinner, Hankins, Thomas and Pflug

WHEREAS, Our state, and the Thurston County community in particular, have lost a great treasure, a wonderful inspiration, and a true friend with the recent passing of Bruce Briggs; and

WHEREAS, In making and living his principles, Bruce Briggs made and lived his life in what can only be called a most exceptional, honorable manner; and

WHEREAS, No less than her husband, Mr. Briggs' wife, Doris Briggs, is a community gem whose caring, genuine dedication to making this a better world is a shining light for us all to follow; and

WHEREAS, The pride and promise of our community is a reflection of the work and compassion of this tremendous citizen; and

WHEREAS, Every Arbor Day, Mr. Briggs was kind and generous enough to donate seedlings to state legislators as a beautiful way of expressing his commitment to our natural world; and

WHEREAS, Bruce Briggs served with honor and distinction as a member of the Washington State Farm Bureau and its Board of Directors, and he saw to it that the Washington Park Arboretum was named the Official Arboretum of the State of Washington; and

WHEREAS, Known all over the world as Washington and America's "Horticultural Ambassador," Mr. Briggs fostered a love for the natural world in countless young people from a myriad diversity of backgrounds; and

WHEREAS, The honor of his time among us will surely grow as the magnificent stature of his contribution is reflected in the years ahead; and

WHEREAS, After his Army service in World War II, Mr. Briggs founded the truly world-class Briggs Nursery and became involved in countless community projects with a spirit of selflessness rarely seen; and

WHEREAS, This one-of-a-kind gentleman saw the good and worth of every individual trusting his gentle instincts in tireless work toward building a better community not just for his family but for everyone else too;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington celebrate the life, the work, and the dedication of Bruce Briggs; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the special family of Bruce Briggs.

Representative Romero moved adoption of the resolution.

Representatives Romero, Pennington, Wolfe, Alexander, Fortunato, G. Chandler and Schoesler spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4743 was adopted.

SPEAKER'S PRIVILEGE

Speaker Ballard took a moment to express his feelings toward Bruce Briggs, to introduce members of the Briggs family present and to ask the Chamber to acknowledge Mr. Briggs' accomplishments.

HOUSE RESOLUTION NO. 2000-4783, by Representatives Van Luven, Kessler, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Chopp, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schindler, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood and Woods

WHEREAS, It is the policy of the House of Representatives to recognize excellence in all fields of endeavor; and

WHEREAS, Bob Turner has demonstrated the epitome of excellence throughout his career as a television news photographer/journalist; and

WHEREAS, Bob Turner started his career in Boise, Idaho, later came to Olympia, Washington, in 1969 and interned as a television news photographer, and finally joined KOMO on May 31, 1971, where he has worked ever since; and

WHEREAS, Bob Turner was honored as one of America's best television news photographers as a participant in KOMO's 1992 National Press Photographer Association "Station of the Year" Award; and

WHEREAS, Bob Turner has always exhibited the professionalism necessary to become the best in the country, a willingness to share creative ideas, take risks to embrace new concepts, and bend with daily demands, and to approach each story as a new opportunity and challenge, the hallmarks of a true professional and of a winning team player; and

WHEREAS, Bob Turner has consistently displayed the commitment and cooperation necessary to ensure the success of both himself and his co-workers in broadcast news, and the experience, expertise, and initiative that has helped make KOMO a recognized leader in the nation; and

WHEREAS, Bob Turner has loved covering the Legislature but his role in covering Olympia was more than simply capturing pictures and sound and it became Bob's specialty keeping KOMO current in Olympia as television news changed and Olympia correspondents were no longer the norm; and

WHEREAS, Bob Turner has been complimented by Republicans and Democrats alike for maintaining fair, balanced, and sensitive coverage of events in Olympia, providing compassionate coverage of the family of a soldier who died in the Gulf War and objective coverage of one of the more contentious issues of his years in Olympia - the funding of the new Mariners' baseball stadium; and

WHEREAS, Bob Turner doesn't stop covering news from the state Capitol when session ends but takes the story ideas and contacts he has in Olympia and develops stories for KOMO year-round from parts of the state that don't always get coverage on Seattle television; and

WHEREAS, Bob Turner has taken the time to speak to student groups in Olympia and other parts of the state about the role of a television news photographer/journalist; and

WHEREAS, Bob Turner is a former member of the "Interlake Mountain Men" and he and his wife, Frances, attended National Mountainmen "Rendezvous" for the past 27 years; and

WHEREAS, Bob Turner and Frances have three sons - Chris, Tony, and Greg - and four grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Bob Turner for his years of dedicated commitment, his personal and professional integrity, and his life-impacting work as a television news photographer/journalist; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Bob Turner.

Representative Van Luven moved adoption of the resolution.

Representatives Van Luven, Kessler and Dunshee spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4783 was adopted.

SPEAKER'S PRIVILEGE

Speaker Ballard took a moment to speak of his high regard for Bob Turner and to introduce him from the Rostrum to the Chamber. Speaker Ballard asked the Chamber to acknowledge Mr. Turner's accomplishments.

MESSAGES FROM THE SENATE

March 2, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1572,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2109,

HOUSE BILL NO. 2339,

ENGROSSED HOUSE BILL NO. 2340,

HOUSE BILL NO. 2375,

SUBSTITUTE HOUSE BILL NO. 2398,

SUBSTITUTE HOUSE BILL NO. 2399,

HOUSE BILL NO. 2403,

HOUSE BILL NO. 2407,

HOUSE BILL NO. 2459,

HOUSE BILL NO. 2515,

HOUSE BILL NO. 2536,

ENGROSSED HOUSE BILL NO. 2565,

SUBSTITUTE HOUSE BILL NO. 2587,

SUBSTITUTE HOUSE BILL NO. 2633,
HOUSE BILL NO. 2650,
HOUSE BILL NO. 2657,
SUBSTITUTE HOUSE BILL NO. 2721,
HOUSE BILL NO. 2775,
SUBSTITUTE HOUSE BILL NO. 2792,
HOUSE BILL NO. 2851,
HOUSE BILL NO. 2868,
ENGROSSED HOUSE BILL NO. 2881,
SUBSTITUTE HOUSE BILL NO. 2886,
ENGROSSED HOUSE BILL NO. 2952,
HOUSE BILL NO. 3005,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3045,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 2, 2000

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5330,
SENATE BILL NO. 6121,
SENATE BILL NO. 6123,
SENATE BILL NO. 6160,
SUBSTITUTE SENATE BILL NO. 6233,
SENATE BILL NO. 6251,
SENATE BILL NO. 6285,
SUBSTITUTE SENATE BILL NO. 6351,
SUBSTITUTE SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6382,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6389,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6683,
SUBSTITUTE SENATE BILL NO. 6740,
SENATE BILL NO. 6748,
SENATE BILL NO. 6770,
SENATE JOINT MEMORIAL NO. 8022,
SENATE JOINT MEMORIAL NO. 8027,
SENATE JOINT RESOLUTION NO. 8214,

and the same are herewith transmitted.

Tony M. Cook, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2000-4752, by Representatives Conway, Sullivan, Talcott, Carrell, Kastama, Lantz, Regala, Hatfield, Wensman, Carlson, Thomas and McDonald

WHEREAS, The good character, academic excellence, superb performance on the field, and commitment to the maxim "The true measure of yourself is not in comparison to others, but in comparison to your own best self" have made the Pacific Lutheran University football team, the Lutes, true models of the student athlete; and

WHEREAS, The Lutes are noted for their rejection of the win at all cost mentality, embracing the motto, "Our opponents come to beat us we come to be us"; and

WHEREAS, The Lutes, who believe that "No one cares how much you know until they know how much you care," donate over 2000 hours each year to the Tacoma Public Schools to provide role models, mentors, and values education at McIlvaigh Middle School and Lister Elementary; and

WHEREAS, The entire Lute organization, motivated by their faith and the value they place on human dignity, made a perpetual commitment to John Nelson, making him an Honorary Coach and an integral member of the Lute family, and John has served to inspire the team by his constant example of courage; and

WHEREAS, The team's unique approach to competition and caring are the products of Head Coach Frosty Westering's love of people, his belief in character, and his Christian faith; and

WHEREAS, Coach Westering is one of the most accomplished coaches in the nation, being only the 12th football coach ever to win 250 games, leading the Lutes to a winning season every one of his 28 years at PLU, and being selected the Division III coach of the year by the American Football Coaches Association; and

WHEREAS, Coach Westering's unique style has benefited from the support of the entire Lute staff: Scott Westering, Craig McCord, Steve Stoker, Rick Brown, Dave Templin, Brian Flattum, Jerry LeJeune, Michael Eklund-Grayum, and Chris Sorsoleil, each of them contributing to the "make the big time where you are" philosophy; and

WHEREAS, The Lutes "Double Win" philosophy has made them a consistently strong team appearing in eight National Championship games since 1980, while securing four National Championship titles; and

WHEREAS, The Pacific Lutheran University Lutes, after winning an unprecedented five playoff games on the road, won the 1999 NCAA Division III National Championship in Salem, Virginia, in a 42 to 13 victory over New Jersey's Rowan University;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend the PLU football team, Head Coach Frosty Westering, the PLU Athletic Department, and the entire PLU community and student body for their success and for their commitment to sportsmanship, principled competition, strong academics, and the active role of faith that made that success possible; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to President Dr. Loren Anderson, Provost Dr. Paul Menzel, Athletic Director Dr. Paul Hoseth, Ted Johnstone, and Head Coach Frosty Westering.

Representative Conway moved adoption of the resolution.

Representatives Conway, Carlson, Quall, Stensen, Cooper, Alexander, Regala and Sullivan spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4752 was adopted.

SPEAKER'S PRIVILEGE

Speaker Ballard took a moment to share his thoughts with the Chamber on the PLU football team and on Coach Frosty Westering. He introduced the team and Coach Westering, and asked the Chamber to acknowledge their accomplishments.

Coach Frosty Westering addressed the Chamber.

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6067, by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Thibaudeau)

Modifying provisions concerning access to individual health insurance coverage.

The bill was read the second time.

Representative Conway moved the adoption of the following amendment (653):

On page 1, beginning on line 16, strike all of section 1

Renumber the remaining sections consecutively and correct title and internal references accordingly.

Representatives Conway and Schual-Berke spoke in favor of the adoption of the amendment.

Representatives Parlette and Cody spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Sullivan moved the adoption of the following amendment (654):

On page 33, line 18, after "(a)" strike "and (b)" and insert ", (b), and (c)"

On page 34, after line 2, insert the following:

"(c) If a person is moving from one individual health plan to another individual health plan with the same carrier, completion of the standard health questionnaire shall not be a condition of coverage."

Representatives Sullivan, Conway and Schual-Berke spoke in favor of the adoption of the amendment.

Representatives Parlette and Cody spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schual-Berke moved the adoption of the following amendment (655):

On page 78, after line 25, insert the following:

"NEW SECTION. Sec. 51. If, eighteen months from the effective date of this section, the insurance commissioner determines that no health benefit plan, as defined in RCW 48.43.005, is available for sale to new individual enrollees in sixteen counties or more in this state, this act expires."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representatives Schual-Berke and Conway spoke in favor of the adoption of the amendment.

Representatives Parlette and Cody spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Parlette, Schual-Berke, Campbell, Pennington, Rockefeller, Mulliken, Ruderman, Pflug, Kessler, DeBolt and Eickmeyer spoke in favor of passage of the bill.

Representative Conway spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 6067.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6067, and the bill passed the House by the following vote: Yeas - 86, Nays - 12, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods and Mr. Speaker Ballard - 86.

Voting nay: Representatives Constantine, Conway, Dickerson, Dunshee, Fisher, Kenney, McIntire, Murray, Regala, Santos, Tokuda and Mr. Speaker Chopp - 12.

Engrossed Second Substitute Senate Bill No. 6067, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6199, by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Winsley, Thibaudeau, Snyder, Goings, Kohl-Welles, Jacobsen, Fraser, Prentice, Costa, Rasmussen, Bauer, Spanel, McAuliffe, Gardner, Franklin and Kline)

Adopting a patient bill of rights.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was before the House for the purpose of amendment. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

Representative Campbell moved the adoption of the following amendment (637) to the committee amendment:

On page 15, line 4 of the amendment, after "RCW." insert "However, a naturopathic or complementary alternative health plan, which provides solely complementary alternative health care to individuals, groups, or health plans, may have a medical director licensed under chapter 18.36A RCW."

Representatives Campbell and Schual-Berke spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Schual-Berke moved the adoption of the following amendment (651) to the committee amendment:

On page 17, line 33 of the amendment, after "limb" strike "or bodily" and insert ", bodily or cognitive"

Representatives Schual-Berke, Campbell and Alexander spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

COLLOQUY

Representative Campbell: "Sections 2, 3, 4 and 5 of the committee striking amendment to 2SSB 6199 protect the privacy of health care information as that information is held and used by health care providers and third party-payers. There has been some concern that these provisions could be interpreted to preclude these entities from sharing health care information to the extent necessary to

determine eligibility, pay claims and undertake care management and disease management programs. What is the intent regarding these provisions?"

Representative Schual-Berke: "The federal government is in the process of adopting rules under the Health Insurance Portability and Accountability Act to protect the privacy of consumers' health information. The intent is that sections 2, 3, 4 and 5 of 2SSB 6199 serve as placeholders to protect Washingtonians until such time as final federal rules are issued under HIPAA, and a thorough review of state health information privacy law is undertaken to bring our states statutes into compliance with the federal rules. It is not the intent to restrict the sharing of health information by health care providers and third party payers to the extent necessary to determine eligibility, pay claims and undertake care management and disease management programs."

Representatives Campbell and Schual-Berke spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute Senate Bill No. 6199, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6199, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Second Substitute Senate Bill No. 6199, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 3, 2000

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6149,

SUBSTITUTE SENATE BILL NO. 6375,

SUBSTITUTE SENATE BILL NO. 6644,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6732,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 3, 2000

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5590,
SUBSTITUTE SENATE BILL NO. 5805,
SUBSTITUTE SENATE BILL NO. 6115,
SUBSTITUTE SENATE BILL NO. 6213,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6295,
SENATE BILL NO. 6602,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6761,
SENATE JOINT MEMORIAL NO. 8021,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 3, 2000

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2022,
HOUSE BILL NO. 2031,
ENGROSSED HOUSE BILL NO. 2322,
HOUSE BILL NO. 2328,
HOUSE BILL NO. 2329,
SUBSTITUTE HOUSE BILL NO. 2358,
HOUSE BILL NO. 2397,
SUBSTITUTE HOUSE BILL NO. 2423,
SUBSTITUTE HOUSE BILL NO. 2493,
HOUSE BILL NO. 2496,

HOUSE BILL NO. 2516,
HOUSE BILL NO. 2519,
HOUSE BILL NO. 2535,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2589,
HOUSE BILL NO. 2607,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2617,
HOUSE BILL NO. 2630,
HOUSE BILL NO. 2660,
HOUSE BILL NO. 2765,
HOUSE BILL NO. 2848,
SUBSTITUTE HOUSE BILL NO. 2899,
HOUSE BILL NO. 2926,
HOUSE JOINT MEMORIAL NO. 4022,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 3, 2000

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1711,
ENGROSSED HOUSE BILL NO. 2334,
SUBSTITUTE HOUSE BILL NO. 2367,
SUBSTITUTE HOUSE BILL NO. 2410,
SUBSTITUTE HOUSE BILL NO. 2528,
HOUSE BILL NO. 2532,
ENGROSSED HOUSE BILL NO. 2559,
SUBSTITUTE HOUSE BILL NO. 2590,
HOUSE BILL NO. 2722,
HOUSE BILL NO. 2750,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2798,
SUBSTITUTE HOUSE BILL NO. 2846,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
HOUSE BILL NO. 2904,

and the same are herewith transmitted.

Tony M. Cook, Secretary

ENGROSSED SENATE BILL NO. 6236, by Senator Fairley; by request of Employment Security Department

Promoting efficiency with respect to employment and related services.

The bill was read the second time.

Representative McIntire moved the adoption of the following amendment (618):

On page 5, line 3, after "(11)" insert "(a)"

On page 5, after line 12, insert the following:

"(b) An individual who applies for services from the department and whose information will be shared under (a) of this subsection (11) must be notified that his or her private and confidential information in the department's records will be shared among the one-stop partners to facilitate the delivery of one-stop services to the individual. The notice must advise the individual that he or she may request that private and confidential information not be shared among the one-stop partners and the department must honor the request. In addition, the notice must:

(i) Advise the individual that if he or she requests that private and confidential information not be shared among one-stop partners, the request will in no way affect eligibility for services;

(ii) Describe the nature of the information to be shared, the general use of the information by one-stop partner representatives, and among whom the information will be shared;

(iii) Inform the individual that shared information will be used only for the purpose of delivering one-stop services and that further disclosure of the information is prohibited under contract and is not subject to disclosure under RCW 42.17.310; and

(iv) Be provided in English and an alternative language selected by the one-stop center or job service center as appropriate for the community where the center is located.

If the notice is provided in-person, the individual who does not want private and confidential information shared among the one-stop partners must immediately advise the one-stop partner representative of that decision. The notice must be provided to an individual who applies for services telephonically, electronically, or by mail, in a suitable format and within a reasonable time after applying for services, which shall be no later than ten working days from the department's receipt of the application for services. A one-stop representative must be available to answer specific questions regarding the nature, extent, and purpose for which the information may be shared."

On page 5, beginning on line 28, strike all of subsection (14)

Representatives McIntire and B. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and B. Chandler spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Senate Bill No. 6236, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6236, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Senate Bill No. 6236, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6373, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Gardner, T. Sheldon, Prentice, Rasmussen, Winsley, Hale, Deccio and Shin)

Clarifying promotional contests of chance.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Wood spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6373.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6373 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6373, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6455, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Gardner, Winsley, Fraser, Shin, Kohl-Welles, Brown, Costa, Fairley and Jacobsen)

Providing for the licensing of geologists.

The bill was read the second time.

Representative Conway moved the adoption of the following amendment (619):

On page 7, at the beginning of line 16, strike "four" and insert "five"

On page 7, line 21, after "that" strike "up to"

On page 8, at the beginning of line 4, strike "four" and insert "five"

On page 8, line 9, after "that" strike "up to"

On page 9, line 26, after "minimum of" strike "four" and insert "five"

On page 9, line 35, after "minimum" strike "four" and insert "of five"

Representatives Conway and B. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Clements moved the adoption of the following amendment (620):

On page 17, beginning on line 14, after "the" strike all material through "geologists" on line 15 and insert "state department of licensing be authorized to levy fees on geologists sufficient to pay for their licensure"

Representatives Clements and Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Clements spoke in favor of passage of the bill.

Representative Carrell spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6455, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6455, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives Carrell, Sump and Thomas - 3.

Engrossed Substitute Senate Bill No. 6455, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6589, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, Hale, Deccio, Rasmussen, Loveland, B. Sheldon, West, McAuliffe and Kohl-Welles)

Allowing domestic wineries to exercise licensing privileges at up to two additional locations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler, Wood and Delvin spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6589.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6589 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6589, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6812, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senator Prentice)

Allowing contract brewing by domestic brewers.

The bill was read the second time.

Representative B. Chandler moved the adoption of the following amendment (624):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.04.010 and 1997 c 321 § 37 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Beer" means any malt beverage or malt liquor as these terms are defined in this chapter.

(3) "Beer distributor" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state, beer importers, or foreign produced beer from a source outside the state of Washington, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(4) "Beer importer" means a person or business within Washington who purchases beer from a United States brewery holding a certificate of approval (B5) or foreign produced beer from a source outside the state of Washington for the purpose of selling the same pursuant to this title.

(5) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(6) "Board" means the liquor control board, constituted under this title.

(7) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(8) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(9) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(10) "Distiller" means a person engaged in the business of distilling spirits.

(11) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

(12) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

~~((12))~~(13) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

~~((13))~~(14) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

~~((14))~~(15) "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.

~~((15))~~(16) "Fund" means 'liquor revolving fund.'

~~((16))~~(17) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing,

cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

~~((17))~~(18) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

~~((18))~~(19) "Imprisonment" means confinement in the county jail.

~~((19))~~(20) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

~~((20))~~(21) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

~~((21))~~(22) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

~~((22))~~(23) "Package" means any container or receptacle used for holding liquor.

~~((23))~~(24) "Permit" means a permit for the purchase of liquor under this title.

~~((24))~~(25) "Person" means an individual, copartnership, association, or corporation.

~~((25))~~(26) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

~~((26))~~(27) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

~~((27))~~(28) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

~~((28))~~(29) "Regulations" means regulations made by the board under the powers conferred by this title.

~~((29))~~(30) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

~~((30))~~(31) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

~~((31))~~(32) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

~~((32))~~(33) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

~~((33))~~(34) "Store" means a state liquor store established under this title.

~~((34))~~(35) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

~~((35))~~(36) "Vendor" means a person employed by the board as a store manager under this title.

~~((36))~~(37) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

~~((37))~~(38) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (a) Wines that are both sealed or capped by cork closure and aged two years or more; and (b) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

~~((38))~~(39) "Wine distributor" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

~~((39))~~(40) "Wine importer" means a person or business within Washington who purchases wine from a United States winery holding a certificate of approval (W7) or foreign produced wine from a source outside the state of Washington for the purpose of selling the same pursuant to this title.

Sec. 2. RCW 66.24.240 and 1997 c 321 § 11 are each amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(5), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers.

(3) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(5), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180."

Correct internal references accordingly. Correct the title.

Representatives B. Chandler, Conway, Clements and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6812, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6812, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6812, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE JOINT MEMORIAL NO. 8015, by Senators Honeyford, Rasmussen, Fairley, Oke, Patterson, Heavey, Rossi, Hargrove, McAuliffe, Winsley, Bauer, Stevens and Kohl-Welles

Requesting the office of minority and women's business enterprises to certify socially and economically disadvantaged businesses, including those owned by disabled persons.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Wood spoke in favor of passage of the memorial.

Speaker Ballard stated the question before the House to be final passage of Engrossed Senate Joint Memorial No. 8015.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Memorial No. 8015 and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner,

D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Senate Joint Memorial No. 8015, having received the constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House reconsidered the vote by which Substitute Senate Bill No. 6373 passed the House

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6373 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6373, on reconsideration and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Voting nay: Representative Hurst - 1.

Substitute Senate Bill No. 6373, on reconsideration, having received the constitutional majority was declared passed.

SENATE BILL NO. 6172, by Senators Fraser, Deccio, Thibaudeau, Prentice, T. Sheldon, Kohl-Welles, Fairley, McAuliffe and Oke

Allowing minors to donate bone marrow.

The bill was read the second time.

There being no objection, amendments (588), (606) and (626) were withdrawn.

Representative Mulliken moved the adoption of the following amendment (657):

On page 1, line 7, after "donation." insert "The donation of bone marrow by an unemancipated minor requires the consent of a parent or legal guardian of the minor."

Representatives Mulliken, Pflug, Schindler and Mulliken (again) spoke in favor of the adoption of the amendment.

Representatives Schual-Berke, Cody and Schual-Berke (again) spoke against the adoption of the amendment.

Division was demanded. Speaker Ballard divided the House. The results of the division was 46-YEAS; 52-NAYS. The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke, Pflug, Wolfe, Koster and Pennington spoke in favor of passage of the bill.

Representatives Mulliken and Lambert spoke against the passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 6172.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6172, and the bill passed the House by the following vote: Yeas - 91, Nays - 7, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Carrell, Cox, Esser, Fortunato, Lambert, Mulliken and Talcott - 7.

Senate Bill No. 6172, having received the constitutional majority, was declared passed.

Speaker Ballard called upon Representative Pennington to preside.

SUBSTITUTE SENATE BILL NO. 6459, by Senate Committee on Judiciary (originally sponsored by Senators Bauer and Rasmussen)

Prohibiting the use of identifying information to solicit undesired mail.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was before the House for the purpose of amendments. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

Representative Cairnes moved the adoption of the following amendment (600) to the committee amendment:

On page 1, after line 18, insert:

"**Sec. 2** RCW 9A.60.040 and 1993 c 457 s 1 are each amended to read as follows:

(1) A person is guilty of criminal impersonation in the first degree if the person:

- (a) Assumes a (~~false~~) fictitious identity and does an act in his or her assumed character with intent to (~~defraud another or for any other unlawful purpose~~) commit a felony or theft in the third degree; or
- (b) Pretends to be a representative of some person or organization or a public servant and does an act in his or her pretended capacity with intent to defraud another or for any other unlawful purpose.
- (2) Criminal impersonation in the first degree is a (~~gross misdemeanor~~) class C felony.
- (3) A person is guilty of criminal impersonation in the second degree if the person:
- (a) Claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer; and
- (b) Under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer.
- (4) Criminal impersonation in the second degree is a gross misdemeanor.

Sec. 3. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 Malicious explosion 1 (RCW 70.74.280(1))
 Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 Assault of a Child 1 (RCW 9A.36.120)
 Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 Rape 1 (RCW 9A.44.040)
 Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 Rape 2 (RCW 9A.44.050)
 Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 Kidnapping 1 (RCW 9A.40.020)
 Leading Organized Crime (RCW 9A.82.060(1)(a))
 Malicious explosion 3 (RCW 70.74.280(3))
 Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
 Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ((88.12.029)) 79A.60.050)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Malicious placement of an explosive 2 (RCW 70.74.270(2))
 - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Robbery 1 (RCW 9A.56.200)
 - Sexual Exploitation (RCW 9.68A.040)
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

- VIII Arson 1 (RCW 9A.48.020)
 - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ((88.12.029)) 79A.60.050)
 - Manslaughter 2 (RCW 9A.32.070)
 - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

- VII Burglary 1 (RCW 9A.52.020)
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Drive-by Shooting (RCW 9A.36.045)
 - Homicide by Watercraft, by disregard for the safety of others (RCW ((88.12.029)) 79A.60.050)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Involving a minor in drug dealing (RCW 69.50.401(f))
 - Malicious placement of an explosive 3 (RCW 70.74.270(3))
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
 - Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others
(RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW
70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver narcotics
from Schedule I or II (except heroin or cocaine) or
flunitrazepam from Schedule IV (RCW
69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of
credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person eighteen
or over to person under eighteen (RCW 69.52.030(2))
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW
9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
On and after July 1, 2000: No-Contact Order Violation:
Domestic Violence Pretrial Condition (RCW
10.99.040(4) (b) and (c))
On and after July 1, 2000: No-Contact Order Violation:
Domestic Violence Sentence Condition (RCW
10.99.050(2))
On and after July 1, 2000: Protection Order Violation:
Domestic Violence Civil Action (RCW 26.50.110 (4)
and (5))
On and after July 1, 2000: Stalking (RCW 9A.46.110)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)

IV Arson 2 (RCW 9A.48.030)
Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW (~~88.12.032~~) 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Criminal Impersonation 1 (RCW 9A.60.040(1))
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury Accident (RCW 46.52.020(4))
Hit and Run with Vessel--Injury Accident (RCW ~~((88.12.155(3)))~~ 79A.60.200(3))
Identity Theft (RCW 9.35.020)
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle
(RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of
death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW
9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW
72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance
(RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or
narcotics from Schedule I or II or flunitrazepam from
Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued
at one thousand five hundred dollars or more) (RCW
9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW
18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW
69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule
III, IV, or V or Non-narcotic from Schedule I-V
(except phencyclidine or flunitrazepam) (RCW
69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)

Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued
at two hundred fifty dollars or more but less than one
thousand five hundred dollars) (RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)"

Representatives Cairnes, Carrell and DeBolt spoke in favor of the adoption of the amendment to the committee amendment.

Representative Constantine spoke against the adoption of the amendment to the committee amendment.

Division was demanded. The Speaker (Representative Pennington presiding) divided the House. The results of the division was 49-YEAS; 49-NAYS. The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine, Lambert, Ogden and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6459, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6459, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representatives Ballasiotes and Mitchell - 2.

Substitute Senate Bill No. 6459, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6715, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Eide, Swecker, Fraser, Costa, Rasmussen, Morton, Patterson, Kline, Jacobsen and Kohl-Welles)

Encouraging recycling and waste reduction.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Agriculture & Ecology was before the House for purpose of amendment. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

Representative Mielke moved the adoption of the following amendment (632) to the committee amendment:

On page 14, after line 6, insert the following:

"NEW SECTION. Sec. 10. A new section is added to chapter 81.77 RCW to read as follows:
In order to provide an incentive for recycling, the provisions of chapter 81.77 RCW shall not apply to the collection or transportation of construction, demolition and land-clearing debris that is collected or transported expressly for the purposes of recycling."

Representatives Mielke, Fortunato and Boldt spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Linville, B. Chandler, Linville (again) and Reardon spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representatives Linville and B. Chandler spoke in favor of adoption of the committee amendment.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6715, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6715, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute Senate Bill No. 6715, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6194, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators T. Sheldon, Oke, Jacobsen, Stevens, Morton, Rasmussen, Gardner and Spanel)

Attempting to limit the incidents of rural garbage dumping.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Natural Resources was before the House for purpose of amendment. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

Representative Clements moved the adoption of the following amendment (582) to the committee amendment:

On page 3, line 17 of the amendment, after "less than" strike "five" and insert "one"

On page 3, line 29 of the amendment, before "cubic" strike "five" and insert "one"

On page 7, line 7 of the amendment, after "less than" strike "five" and insert "one"

On page 7, line 19 of the amendment, before "cubic" strike "five" and insert "one"

Representative Clements spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Anderson moved the adoption of the following amendment (634) to the committee amendment:

On page 3, line 27 of the amendment, after "property." insert "The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter."

On page 3, line 38 of the amendment, after "property." insert "The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter."

On page 7, line 17 of the amendment, after "property." insert "The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter."

On page 7, line 29 of the amendment, after "property." insert "The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter."

Representative Anderson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Hurst moved the adoption of the following amendment (636) to the committee amendment:

On page 4, beginning on line 13, strike all of section 3

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 7, line 29 of the amendment, after "property." strike everything down to and including "act." on line 31

Representatives Hurst, Carrell and Lambert spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson, Clements and Haigh spoke in favor of passage of the bill.

MOTION

On motion of Representative Santos, Representative Morris was excused.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6194, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6194, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Morris - 1.

Substitute Senate Bill No. 6194, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6260, by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Heavey, Haugen, Goings, Oke and Gardner)

Increasing penalties for manufacturing a controlled substance when children are present.

The bill was read the second time.

Representative Koster moved the adoption of the following amendment (649):

On page 1, line 13, after "when" insert "a pregnant woman or"

Representative Koster spoke in favor of the adoption of the amendment.

There being no objection, the House deferred action on Substitute Senate Bill No. 6260, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 3144, by Representatives Conway, Clements, Thomas and Rockefeller; by request of Secretary of State

Authorizing electronic filing of corporation and limited liability company annual reports.

The bill was read the second time.

Representative Conway moved the adoption of the following amendment (617):

On page 2, line 22, after "(4)" insert "(a)"

On page 2, line 27, strike "(5)" and insert "(b)"

On page 2, line 30, after "but" strike the remainder of the section and insert "the person's name must appear in the electronic filing as the person executing the filing, and the filing must state the capacity in which the person is executing the filing."

On page 3, line 22, after "(4)" insert "(a)"

On page 3, line 27, strike "(5)" and insert "(b)"

On page 3, line 30, after "but" strike the remainder of the section and insert "the person's name must appear in the electronic filing as the person executing the filing, and the filing must state the capacity in which the person is executing the filing."

Representatives Conway and B. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and B. Chandler spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 3144.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3144, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine,

Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Morris - 1.

Engrossed House Bill No. 3144, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6305, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin and Kohl-Welles)

Changing provisions relating to guardians ad litem.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was before the House for purpose of amendment. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

Representative Lantz moved the adoption of the following amendment (567) to the committee amendment:

On page 20, at the beginning of line 27 of the committee amendment, strike "The" and insert "Except for guardians ad litem appointed by the court from the subregistry created under RCW 26.12.177(2)(d), the"

Representatives Lantz and Lambert spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz, Lambert and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6305, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6305, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Morris - 1.

Engrossed Substitute Senate Bill No. 6305, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6277, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators B. Sheldon, Swecker, Jacobsen, Franklin, Morton, Costa, Fraser, Eide, Spanel, Thibaudeau and Kohl-Welles)

Authorizing cost-reimbursement agreements for leases and environmental permits.

The Speaker (Representative Pennington presiding) reminded the House that a Scope & Object request on amendment (627) had been made on the previous working day by Representative Dickerson. That request was withdrawn.

Representatives Crouse and Morris spoke in favor of the adoption of the amendment (627) to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Linville moved the adoption of the following amendment (596) to the committee amendment:

On page 6, line 37 of the amendment, after "chapter" strike "90.44" and insert "90.03"

Representatives Linville and G. Chandler spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Linville spoke in favor of the passage of the bill.

Representative Cooper spoke against the passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6277 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6277 as amended by the House, and the bill passed the House by the following vote: Yeas - 69, Nays - 29, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Grant, Haigh, Hankins, Hatfield, Huff, Kastama, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Parlette, Pennington, Pflug, Quall, Radcliff, Rockefeller, Schindler, Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Sump, Talcott, Thomas, Van Luven, Wensman, Wolfe, Woods and Mr. Speaker Ballard - 69.

Voting nay: Representatives Barlean, Constantine, Conway, Cooper, Dickerson, Dunshee, Edmonds, Fisher, Fortunato, Gombosky, Hurst, Kagi, Keiser, Kenney, McIntire, Ogden, Poulsen, Reardon, Regala, Romero, Ruderman, Santos, Schual-Berke, Stensen, Sullivan, Tokuda, Veloria, Wood and Mr. Speaker Chopp - 29.

Engrossed Substitute Senate Bill No. 6277 as amended by the House, having received the constitutional majority was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6400, by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Costa, Kohl-Welles, Winsley, Rasmussen and McAuliffe; by request of Governor Locke)

Changing provisions relating to domestic violence.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was before the House for purpose of amendments. (For committee amendment(s), see Journal, 50th Day, February 28, 2000.)

Representative Ballasiotes moved the adoption of the following amendment (604) to the committee amendment:

On page 44, line 32 of the amendment, after "under" insert "this chapter."

Representatives Ballasiotes and O'Brien spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Huff moved the adoption of the following amendment (661) to the committee amendment:

On page 54, after line 24, insert the following:

"NEW SECTION. Sec. 29. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

Re-number remaining sections consecutively and correct title and internal references accordingly.

Representatives Huff and O'Brien spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Carrell moved the adoption of the following amendment (614) to the committee amendment:

On page 54, after line 29 of the amendment, insert the following:

"Sec. 31. RCW 74.34.020 and 1999 c 176 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; state hospitals operated and maintained under chapter 72.23 RCW; or any other facility licensed by the department.

(6) "Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage.

(7) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(8) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(9) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care to provide the goods and services that maintain physical or mental health of a vulnerable adult, or

that avoids or prevents physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety.

(10) "Permissive reporter" means any person, employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(11) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(12) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(13) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider.

Sec. 32. RCW 74.34.067 and 1999 c 176 s 9 are each amended to read as follows:

(1) Where appropriate, an investigation by the department may include a private interview with the vulnerable adult regarding the alleged abandonment, abuse, financial exploitation, neglect, or self-neglect.

(2) In conducting the investigation, the department shall interview the complainant, unless anonymous, and shall use its best efforts to interview the vulnerable adult or adults harmed, and, consistent with the protection of the vulnerable adult shall interview facility staff, any available independent sources of relevant information, including if appropriate the family members of the vulnerable adult.

(3) The department may conduct ongoing case planning and consultation with: (a) Those persons or agencies required to report under this chapter or submit a report under this chapter; (b) consultants designated by the department; and (c) designated representatives of Washington Indian tribes if client information exchanged is pertinent to cases under investigation or the provision of protective services. Information considered privileged by statute and not directly related to reports required by this chapter must not be divulged without a valid written waiver of the privilege.

(4) The department shall prepare and keep on file a report of each investigation conducted by the department for a period of time in accordance with policies established by the department.

(5) If the department determines that the vulnerable adult has suffered from abuse, neglect, self-neglect, abandonment, or financial exploitation, and lacks the ability or capacity to consent, and needs the protection of a guardian, the department may bring a guardianship action under chapter 11.88 RCW as an interested person.

(6) When the investigation is completed and the department determines that an incident of abandonment, abuse, financial exploitation, neglect, or self-neglect has occurred, the department shall inform the vulnerable adult of their right to refuse protective services, and ensure that, if necessary, appropriate protective services are provided to the vulnerable adult, with the consent of the vulnerable adult. The vulnerable adult has the right to withdraw or refuse protective services.

(7) Where appropriate, the department (~~may~~) shall photograph a vulnerable adult or their environment for the purpose of providing documentary evidence of the physical condition of the

vulnerable adult or his or her environment. When photographing the vulnerable adult, the department shall obtain permission from the vulnerable adult or his or her legal representative unless immediate photographing is necessary to preserve evidence. However, if the legal representative is alleged to have abused, neglected, abandoned, or exploited the vulnerable adult, consent from the legal representative is not necessary. No such consent is necessary when photographing the physical environment.

(8) When the investigation is complete and the department determines that the incident of abandonment, abuse, financial exploitation, or neglect has occurred, the department shall inform the facility in which the incident occurred, consistent with confidentiality requirements concerning the vulnerable adult, witnesses, and complainants.

Sec. 33. RCW 74.34.080 and 1999 c 176 s 11 are each amended to read as follows:

If access is denied to an employee of the department seeking to investigate an allegation of abandonment, abuse, financial exploitation, or neglect of a vulnerable adult by an individual, the department ~~((may))~~ shall seek an injunction to prevent interference with the investigation. The court shall issue the injunction if the department shows that:

- (1) There is reasonable cause to believe that the person is a vulnerable adult and is or has been abandoned, abused, financially exploited, or neglected; and
- (2) The employee of the department seeking to investigate the report has been denied access.

Sec. 34. RCW 74.34.150 and 1986 c 187 s 9 are each amended to read as follows:

The department of social and health services~~((, in its discretion, may))~~ shall seek relief under RCW 74.34.110 through 74.34.140 on behalf of and with the consent of any vulnerable adult~~((-- Neither the department of social and health services nor the state of Washington shall be liable for failure to seek relief on behalf of any persons under this section))~~ when there is reasonable cause to believe that there is a serious threat of substantial harm to the vulnerable adult.

Sec. 35. RCW 74.34.210 and 1995 1st sp.s. c 18 s 86 are each amended to read as follows:

A petition for an order for protection or an action for damages under this chapter may be brought by the plaintiff, or where necessary, by his or her family members and/or guardian or legal fiduciary, or as otherwise provided under this chapter. The death of the plaintiff shall not deprive the court of jurisdiction over a petition or claim brought under this chapter. Upon petition, after the death of the vulnerable person, the right to initiate or maintain the action shall be transferred to the executor or administrator of the deceased, for the benefit of the surviving spouse, child or children, or other heirs without regard to limitations set forth in chapter 4.20 RCW.

NEW SECTION. **Sec. 36.** RCW 74.34.170 (Services of department discretionary--Funding) and 1986 c 187 s 10 are each repealed."

Representative Carrell spoke in favor of the adoption of the amendment to the committee amendment.

POINT OF ORDER

Representative O'Brien requested a Scope & Object ruling on amendment 614.

SPEAKERS' RULING

*****Ruling*****

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 6400, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6400, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Second Substitute Senate Bill No. 6400, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001, by Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Morton, Deccio, Honeyford, T. Sheldon, Swecker, Hargrove, Rossi, Hochstatter, Oke and Rasmussen)

Authorizing hunting of cougar with the aid of dogs.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Natural Resources was before the House for purpose of amendments. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

Representative Dunshee moved the adoption of the following amendment (666) to the committee amendment:

On page 2, after line 2 of the amendment, strike everything through "time." on line 26 and insert the following:

"(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit, or capture and relocation, of black bear, cougar, bobcat, or lynx for scientific purposes.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the killing of black bear, cougar, or bobcat, for the protection of a state and/or federally listed threatened or endangered species.

(3) Until June 30, 2004, and notwithstanding subsection (2) of this section, the commission shall authorize the use of dogs only in selected areas within a game management unit to address a public safety need presented by one or more cougar. This authority may only be exercised after the commission has determined that no other practical alternative to the use of dogs exists, and after the commission has adopted rules describing the conditions in which dogs may be used. Conditions that

may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock and cougar/pet depredations, and the number of cougar capture attempts and relocations.

(4) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and a hunting license shall not be issued for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act in the amount of at least eight hundred thousand dollars, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representative Dunshee spoke twice in favor of the adoption of the amendment to the committee amendment.

Representatives Buck and Dunn spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Buck moved the adoption of the following amendment (665) to the committee amendment:

On page 2, after line 2 of the amendment, strike everything through "relocations." on line 18 and insert the following:

"(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit, or capture and relocation, of black bear, cougar, bobcat, or lynx for scientific purposes.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the killing of black bear, cougar, or bobcat, for the protection of a state and/or federally listed threatened or endangered species.

(3) Notwithstanding subsection (2) of this section, the commission shall authorize the use of dogs only in selected areas within a game management unit to address a public safety need presented by one or more cougar. This authority may only be exercised after the commission has determined that no other practical alternative to the use of dogs exists, and after the commission has adopted rules describing the conditions in which dogs may be used. Conditions that may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock and cougar/pet depredations, and the number of cougar capture attempts and relocations."

Correct any internal references accordingly.

Representatives Buck and Kessler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Dunshee spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Romero moved the adoption of the following amendment (652) to the committee amendment:

On page 2, after line 26 of the amendment, strike all of section 2 and insert the following:
"NEW SECTION. **Sec. 2** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title

Representatives Romero, Regala, Dickerson and Hurst spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Buck, Mastin, Clements and Fortunato spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Dickerson moved the adoption of the following amendment (662) to the committee amendment:

On page 2, after line 26 of the amendment, remove all of section 2

Correct the title

Representatives Dickerson and Dunshee spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

Representative Regala moved the adoption of the following amendment (663) to the committee amendment:

On page 2, after line 26 of the amendment, insert the following:
"NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act in the amount of at least eight hundred thousand dollars, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representative Regala spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sump, Kessler, Buck and Clements spoke in favor of passage of the bill.

Representatives Regala and Romero spoke against passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5001, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5001, as amended by the House, and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Conway, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Eickmeyer, Ericksen, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Kessler, Koster, Lambert, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Mitchell, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Reardon, Rockefeller, Schindler, Schmidt, Schoesler, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Van Luven, Wolfe, Woods and Mr. Speaker Ballard - 62.

Voting nay: Representatives Anderson, Ballasiotes, Barlean, Cody, Constantine, Cooper, Dickerson, Dunshee, Edmonds, Edwards, Esser, Fisher, Kagi, Keiser, Kenney, Lantz, Lovick, McIntire, Miloscia, Morris, Murray, Poulsen, Radcliff, Regala, Romero, Ruderman, Santos, Schual-Berke, Scott, H. Sommers, Thomas, Tokuda, Voloria, Wensman, Wood and Mr. Speaker Chopp - 36.

Engrossed Substitute Senate Bill No. 5001, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 5001.

AL O'BRIEN, 1st District

SUBSTITUTE SENATE BILL NO. 6663, by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Wojahn, Prentice, Winsley and Kohl-Welles)

Preserving federally assisted housing and minimizing the involuntary displacement of tenants residing in such housing.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Economic Development, Housing & Trade was adopted. (For committee amendment(s), see Journal, 46th Day, February 24, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Luven and Kenney spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6663, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6663, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6663, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6260, by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Heavey, Haugen, Goings, Oke and Gardner)

Increasing penalties for manufacturing a controlled substance when children are present.

There being no objection, amendments (649) and (646) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Constantine, Ballasiotes and Koster spoke in favor of the passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6260.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6260 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6260, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6531, by Senate Committee on Ways & Means (originally sponsored by Senators Long, Fraser, Winsley, Honeyford, Fairley, McAuliffe, Franklin, Bauer, Goings, Haugen, Hale, Rasmussen, Patterson, Eide, Kohl-Welles, Snyder, Stevens, B. Sheldon, Gardner, Spanel and Zarelli; by request of Joint Committee on Pension Policy)

Modifying the Washington school employees' retirement system plan 2 and 3.

The bill was read the second time.

Representative H. Sommers moved the adoption of the following amendment (669):

On page 4, after line 37, insert the following:

"NEW SECTION. **Sec. 4.** The joint committee on pension policy shall study the feasibility of providing an option of plan 2 or plan 3 for school employees retirement systems and teachers' retirement systems new employees, and it shall provide recommendations to the appropriate legislative committees by January 1, 2001."

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representatives H. Sommers and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Sommers and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6531, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6531, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6531, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the following bills listed on the Second Reading calendar were returned to the Rules Committee:

HOUSE BILL NO. 2381,

SENATE BILL NO. 5664,

SUBSTITUTE SENATE BILL NO. 5733,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5921,
SUBSTITUTE SENATE BILL NO. 6117,
ENGROSSED SENATE BILL NO. 6250,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6363,
SUBSTITUTE SENATE BILL NO. 6401,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6533,

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

MOTION

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Saturday, March 4, 2000, the 55th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTY FOURTH DAY, MARCH 3, 2000

JOURNAL OF THE HOUSE

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

FIFTY FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, March 4, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Robert Keslo and Steve Stensager. Prayer was offered by Speaker Clyde Ballard.

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

MESSAGES FROM THE SENATE

March 3, 2000

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6062,

SUBSTITUTE SENATE BILL NO. 6296,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 3, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1987,

HOUSE BILL NO. 2330,

SUBSTITUTE HOUSE BILL NO. 2345,

SUBSTITUTE HOUSE BILL NO. 2348,

SUBSTITUTE HOUSE BILL NO. 2377,

HOUSE BILL NO. 2495,
HOUSE BILL NO. 2505,
HOUSE BILL NO. 2522,
HOUSE BILL NO. 2576,
HOUSE BILL NO. 2579,
HOUSE BILL NO. 2600,
SUBSTITUTE HOUSE BILL NO. 2628,
SUBSTITUTE HOUSE BILL NO. 2649,
ENGROSSED HOUSE BILL NO. 2755,
SUBSTITUTE HOUSE BILL NO. 2766,
HOUSE BILL NO. 2774,
HOUSE BILL NO. 2853,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2934,
SUBSTITUTE HOUSE BILL NO. 3032,
SUBSTITUTE HOUSE BILL NO. 3076,
ENGROSSED HOUSE BILL NO. 3105,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 4, 2000

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6067,
SENATE BILL NO. 6172,
SUBSTITUTE SENATE BILL NO. 6260,
SUBSTITUTE SENATE BILL NO. 6373,
SUBSTITUTE SENATE BILL NO. 6589,
ENGROSSED SENATE JOINT MEMORIAL NO. 8015,

and the same are herewith transmitted.

INTRODUCTIONS AND FIRST READING

HB 3154 by Representatives Cody, Parlette, Conway, Clements, Campbell, Cairnes and Wood

AN ACT Relating to technical and clarifying corrections to chapter . . . (Engrossed Second Substitute Senate Bill No. 6067), Laws of 2000; amending RCW 48.41.040, 48.41.110, 48.43.015, 48.43.---, 41.05.140, 41.05.---, and 48.21.015; and adding a new section to chapter 43.33A RCW.

There being no objection, the rules were suspended and House Bill No. 3154 placed on Second Reading.

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

SECOND READING

HOUSE BILL NO. 3154, by Representatives Cody, Parlette and Conway

Modifying provisions concerning health insurance.

The bill was read the second time.

Representative Sullivan moved the adoption of the following amendment (668):

On page 9, after line 24, insert the following:

"(4) A person may seek independent review, as provided in RCW 48.43.--- (2SSB 6199, section 11), of a carrier's decision not to accept the person's application for enrollment in an individual health plan based upon the results of the standard health questionnaire. A carrier's decision not to accept a person's application for enrollment in an individual health plan based upon the results of a standard health questionnaire is not a basis for a cause of action under RCW 48.43.--- (2SSB 6199, section 17)."

Representative Sullivan spoke in favor of the adoption of the amendment.

Representative Pflug spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Parlette and Conway spoke in favor of passage of the bill.

COLLOQUY

Representative Cody: "Is it the intent of section 4(1)(c) that a person seeking an individual health benefit plan must have been eligible for continuation coverage provided under 29 USC section 1161, et seq, and have elected and exhausted such coverage before applying for an individual health benefit plan?"

Representative Parlette: "Yes."

MOTION

On motion of Representative Schoesler, Representatives Thomas and Van Luven were excused.

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 3154.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3154, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Thomas and Van Luven - 2.

House Bill No. 3154, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2418 with the following amendment(s)

On page 2, line 20, after "(2)" strike "The" and insert "To the extent funds are appropriated or donated, the"

On page 3, line 11, after "funding" strike "through the appropriations act"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Substitute House Bill No. 2418 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2595 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 26.50 RCW to read as follows:

The department of social and health services, in its discretion, may seek the relief provided in this chapter on behalf of and with the consent of any vulnerable adult as those persons are defined in

RCW 74.34.020. Neither the department nor the state of Washington shall be liable for failure to seek relief on behalf of any persons under this section.

NEW SECTION. Sec. 2. A new section is added to chapter 74.34 RCW to read as follows:

(1) An order for protection of a vulnerable adult issued under this chapter which restrains the respondent or another person from committing acts of abuse, prohibits contact with the petitioner, excludes the person from any specified location, or prohibits the person from knowingly coming within, or knowingly remaining within a specified distance from a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(2) Whenever an order for protection of a vulnerable adult is issued under this chapter, and the respondent or person to be restrained knows of the order, a violation of a provision restraining the person from committing acts of abuse, prohibiting contact with the petitioner, excluding the person from any specified location, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall be punishable under RCW 26.50.110, regardless of whether the person is a family or household member as defined in RCW 26.50.010.

Sec. 3. RCW 10.31.100 and 1999 c 184 s 14 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW ((~~10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040, 26.10.115,~~) 26.44.063, or chapter 10.99, 26.09, 26.10, 26.26 ((~~RCW, or chapter~~)), 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or ((~~of a provision~~)) excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When

the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW ((88.12.025)) 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 4. RCW 10.99.020 and 1997 c 338 s 53 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating

relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Drive-by shooting (RCW 9A.36.045);
- (f) Reckless endangerment (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);
- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);
- (n) Malicious mischief in the third degree (RCW 9A.48.090);
- (o) Kidnapping in the first degree (RCW 9A.40.020);
- (p) Kidnapping in the second degree (RCW 9A.40.030);
- (q) Unlawful imprisonment (RCW 9A.40.040);

(r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location (RCW ~~10.99.040, 10.99.050, 26.09.300, 26.10.220, ((or)) 26.26.138, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or section 2 of this act~~);

(s) ~~((Violation of the provisions of a protection order or no-contact order restraining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, 10.99.040, or 10.99.050);~~

~~((t))~~ Rape in the first degree (RCW 9A.44.040);

~~((u))~~ (t) Rape in the second degree (RCW 9A.44.050);

~~((v))~~ (u) Residential burglary (RCW 9A.52.025);

~~((w))~~ (v) Stalking (RCW 9A.46.110); and

~~((x))~~ (w) Interference with the reporting of domestic violence (RCW 9A.36.150).

(4) "Victim" means a family or household member who has been subjected to domestic violence.

Sec. 5. RCW 26.09.050 and 1995 c 93 s 2 are each amended to read as follows:

(1) In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall determine the marital status of the parties, make provision for a parenting plan for any minor child of the marriage, make provision for the support of any child of the marriage entitled to support, consider or approve provision for the maintenance of either spouse, make provision for the disposition of property and liabilities of the parties, make provision for the allocation of the children as federal tax exemptions, make provision for any necessary continuing restraining orders including the provisions contained in RCW 9.41.800, make provision for the issuance within this action of the restraint provisions of a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW, and make provision for the change of name of any party.

(2) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE

OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((26.09)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(3) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

Sec. 6. RCW 26.09.060 and 1995 c 246 s 26 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him or her to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child upon a showing of the necessity therefor;

(d) Knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(e) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances. The court may in its discretion waive the filing of the bond or the posting of security.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((26.09)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered, except as provided under subsection (10) of this section, or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

(10) Delinquent support payments accrued under an order for temporary support remain collectible and are not extinguished when a final decree is entered unless the decree contains specific language to the contrary. A support debt under a temporary order owed to the state for public assistance expenditures shall not be extinguished by the final decree if:

(a) The obligor was given notice of the state's interest under chapter 74.20A RCW; or

(b) The temporary order directs the obligor to make support payments to the office of support enforcement or the Washington state support registry.

Sec. 7. RCW 26.10.040 and 1995 c 93 s 3 are each amended to read as follows:

In entering an order under this chapter, the court shall consider, approve, or make provision for:

(1) Child custody, visitation, and the support of any child entitled to support;

(2) The allocation of the children as a federal tax exemption;

(3) Any necessary continuing restraining orders, including the provisions contained in RCW 9.41.800;

(4) A domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080;

(5) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((26.10)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST;

(6) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section, in addition to the law enforcement information sheet or proof of service of the order, be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

Sec. 8. RCW 26.10.115 and 1995 c 246 s 29 are each amended to read as follows:

(1) In a proceeding under this chapter either party may file a motion for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amount requested.

(2) In a proceeding under this chapter either party may file a motion for a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Molesting or disturbing the peace of the other party or of any child;

(b) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(c) Knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(5) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(6) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(7) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((~~26.10~~)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(8) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(9) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the motion is dismissed;

(d) May be entered in a proceeding for the modification of an existing order.

(10) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support

enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 9. RCW 26.26.130 and 1997 c 58 s 947 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(2) If the judgment and order of the court is at variance with the child's birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if that issue is before the court, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The judgment and order may include a continuing restraining order or injunction. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(4) The judgment and order shall contain the social security numbers of all parties to the order.

(5) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just. The court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(6) After considering all relevant factors, the court shall order either or both parents to pay an amount determined pursuant to the schedule and standards contained in chapter 26.19 RCW.

(7) On the same basis as provided in chapter 26.09 RCW, the court shall make residential provisions with regard to minor children of the parties, except that a parenting plan shall not be required unless requested by a party.

(8) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

(9) In entering an order under this chapter, the court may issue any necessary continuing restraining orders, including the restraint provisions of domestic violence protection orders under chapter 26.50 RCW or antiharassment protection orders under chapter 10.14 RCW.

(10) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((26.26)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(11) The court shall order that any restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

Sec. 10. RCW 26.26.137 and 1995 c 246 s 32 are each amended to read as follows:

(1) If the court has made a finding as to the paternity of a child, or if a party's acknowledgment of paternity has been filed with the court, or a party alleges he is the father of the child, any party may move for temporary support for the child prior to the date of entry of the final order. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

(a) Molesting or disturbing the peace of another party;

(b) Going onto the grounds of or entering the home, workplace, or school of another party or the day care or school of any child; or

(c) Knowingly coming within, or knowingly remaining within a specified distance from a specified location; or

(d) Removing a child from the jurisdiction of the court.

(3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(4) Restraining orders issued under this section restraining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER ((26.26)) 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(5) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(6) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(7) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(8) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the petition is dismissed; and

(d) May be entered in a proceeding for the modification of an existing order.

(9) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting

forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 11. RCW 26.50.060 and 1999 c 147 s 2 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling which the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

~~((d))~~ (e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

~~((e))~~ (f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

~~((f))~~ (g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee;

~~((g))~~ (h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

~~((h))~~ (i) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

~~((i))~~ (j) Consider the provisions of RCW 9.41.800;

~~((j))~~ (k) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included; and

~~((k))~~ (l) Order use of a vehicle.

(2) If a ~~((restraining))~~ protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided

in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(f) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 12. RCW 26.50.070 and 1996 c 248 s 14 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

~~((d))~~ (e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and

~~((e))~~ (f) Considering the provisions of RCW 9.41.800.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a state-wide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

Sec. 13. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))
 - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW ~~((88.12.029))~~ 79A.60.050)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Malicious placement of an explosive 2 (RCW 70.74.270(2))
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Robbery 1 (RCW 9A.56.200)
 - Sexual Exploitation (RCW 9.68A.040)
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
 - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW ((~~88.12.029~~)) 79A.60.050)
 Manslaughter 2 (RCW 9A.32.070)
 Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
 Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)
 Promoting Prostitution 1 (RCW 9A.88.070)
 Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)
 Child Molestation 2 (RCW 9A.44.086)
 Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 Drive-by Shooting (RCW 9A.36.045)
 Homicide by Watercraft, by disregard for the safety of others (RCW ((~~88.12.029~~)) 79A.60.050)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 Introducing Contraband 1 (RCW 9A.76.140)
 Involving a minor in drug dealing (RCW 69.50.401(f))
 Malicious placement of an explosive 3 (RCW 70.74.270(3))
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
 Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
 Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
 Bribery (RCW 9A.68.010)
 Incest 1 (RCW 9A.64.020(1))
 Intimidating a Judge (RCW 9A.72.160)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
 Rape of a Child 3 (RCW 9A.44.079)
 Theft of a Firearm (RCW 9A.56.300)

V Abandonment of dependent person 1 (RCW 9A.42.060)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 Child Molestation 3 (RCW 9A.44.089)
 Criminal Mistreatment 1 (RCW 9A.42.020)
 Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or section 2 of this act)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
~~((On and after July 1, 2000: No Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))~~
~~On and after July 1, 2000: No Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))~~
~~On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))~~
~~On and after July 1, 2000: Stalking (RCW 9A.46.110))~~
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW ~~((88.12.032))~~ 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury Accident (RCW 46.52.020(4))
Hit and Run with Vessel--Injury Accident (RCW ~~((88.12.155(3)))~~ 79A.60.200(3))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1)
and (2))
Vehicular Assault (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)
III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW
9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW
69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances
(RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver
marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an
imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle
(RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of
death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW
9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Willful Failure to Return from Work Release (RCW
72.65.070)
II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance
(RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Malicious Mischief 1 (RCW 9A.48.070)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
 Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 Possession of Stolen Property 1 (RCW 9A.56.150)
 Theft 1 (RCW 9A.56.030)
 Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
 Trafficking in Insurance Claims (RCW 48.30A.015)
 Unlawful Practice of Law (RCW 2.48.180)
 Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
 I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 False Verification for Welfare (RCW 74.08.055)
 Forged Prescription (RCW 69.41.020)
 Forged Prescription for a Controlled Substance (RCW 69.50.403)
 Forgery (RCW 9A.60.020)
 Malicious Mischief 2 (RCW 9A.48.080)
 Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Reckless Burning 1 (RCW 9A.48.040)
 Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 Theft 2 (RCW 9A.56.040)
 Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 14. RCW 9.94A.440 and 1999 c 322 s 6 and 1999 c 196 s 11 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder
1st Degree Murder
2nd Degree Murder
1st Degree Kidnaping
1st Degree Assault
1st Degree Assault of a Child
1st Degree Rape
1st Degree Robbery
1st Degree Rape of a Child
1st Degree Arson
2nd Degree Kidnaping
2nd Degree Assault
2nd Degree Assault of a Child
2nd Degree Rape
2nd Degree Robbery
1st Degree Burglary
1st Degree Manslaughter
2nd Degree Manslaughter
1st Degree Extortion
Indecent Liberties
Incest
2nd Degree Rape of a Child
Vehicular Homicide
Vehicular Assault
3rd Degree Rape
3rd Degree Rape of a Child
1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion
1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
3rd Degree Assault of a Child
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)
Stalking
Custodial Assault
~~((No Contact Order Domestic Violence Pretrial (RCW 10.99.040(4) (b) and (c))
No Contact Order Domestic Violence Sentence (RCW 10.99.050(2))
Protection Order Domestic Violence Civil (RCW 26.50.110 (4) and (5))))~~

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or section 2 of this act)
Counterfeiting (if a violation of RCW 9.16.035(4))

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband
1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft
2nd Degree Escape
2nd Degree Introducing Contraband
2nd Degree Possession of Stolen Property
2nd Degree Malicious Mischief
1st Degree Reckless Burning
Taking a Motor Vehicle without Authorization
Forgery
2nd Degree Perjury
2nd Degree Promoting Prostitution
Tampering with a Witness
Trading in Public Office
Trading in Special Influence
Receiving/Granting Unlawful Compensation
Bigamy
Eluding a Pursuing Police Vehicle
Willful Failure to Return from Furlough
Escape from Community Custody
Riot (if against property)
Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (A) Will significantly enhance the strength of the state's case at trial; or
- (B) Will result in restitution to all victims.

(ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (A) Charging a higher degree;
- (B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

- (i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(B) The completion of necessary laboratory tests; and

(C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(A) Probable cause exists to believe the suspect is guilty; and

(B) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(A) Polygraph testing;

(B) Hypnosis;

(C) Electronic surveillance;

(D) Use of informants.

(iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

Sec. 15. RCW 10.99.040 and 1997 c 338 s 54 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The

jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. In issuing the order, the court shall consider the provisions of RCW 9A.41.800. The no-contact order shall also be issued in writing as soon as possible.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

~~(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is ((a gross misdemeanor except as provided in (b) and (c) of this subsection (4). Upon conviction and in addition to other penalties provided by law, the court may require that the defendant submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The court also may include a requirement that the defendant pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.~~

~~(b) Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony punishable under chapter 9A.20 RCW, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony punishable under chapter 9A.20 RCW.~~

~~(c) A willful violation of a court order issued under this section is a class C felony if the offender has at least two previous convictions for violating the provisions of a no contact order issued under this chapter, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out of state order that is comparable to a no contact order or protection order issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no contact orders or protection orders the offender violated)) punishable under RCW 26.50.110.~~

~~((d))~~ (b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter ~~((10.99))~~ 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order." A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 16. RCW 10.99.050 and 1997 c 338 s 55 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Willful violation of a court order issued under this section is ~~((a gross misdemeanor. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. A willful violation of a court order issued under this section is also a class C felony if the offender has at least two previous convictions for violating the provisions of a no contact order issued under this chapter, or a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or any federal or out of state order that is comparable to a no contact order or protection order that is issued under Washington law. The previous convictions may involve the same victim or other victims specifically protected by the no contact orders or protection orders the offender violated))~~ punishable under RCW 26.50.110.

The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ~~((10.99))~~ 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 17. RCW 26.09.300 and 1996 c 248 s 9 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, is ~~((a misdemeanor))~~ punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the

residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 18. RCW 26.10.220 and 1999 c 184 s 11 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, is ~~((a gross misdemeanor))~~ punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 19. RCW 26.26.138 and 1999 c 184 s 12 are each amended to read as follows:

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location, is ~~((a gross misdemeanor))~~ punishable under RCW 26.50.110.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 20. RCW 26.50.110 and 1996 c 248 s 16 are each amended to read as follows:

(1) Whenever an order (~~for protection~~) is granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime, for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order (~~for protection~~) issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of (~~a protective~~) such an order (issued under this chapter) that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of ~~((a no-contact))~~ an order issued under this chapter, chapter 10.99 ~~((RCW, a domestic violence protection order issued under chapter 26.09, 26.10, or 26.26 RCW or this chapter, or any federal or out of state order that is comparable to a no-contact or protection order issued under Washington law))~~, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the ~~((no-contact orders or protection))~~ orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order ~~((for protection))~~ granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 21. RCW 26.50.160 and 1995 c 246 s 18 are each amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every criminal no-contact order issued under chapter 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, ~~((and))~~ every parentage action under chapter ~~((26.10))~~ 26.26 RCW, every foreign protection order filed under chapter 26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has petitioned for relief on behalf of a vulnerable adult, the name of the vulnerable adult shall be included in the data base as a party rather than the guardian or department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Sec. 22. RCW 26.52.070 and 1999 c 184 s 9 are each amended to read as follows:

(1) Whenever a foreign protection order is granted to a person entitled to protection and the person under restraint knows of the foreign protection order, a violation of a provision prohibiting the person under restraint from contacting or communicating with another person, or of a provision excluding the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime, is ~~((a gross misdemeanor except as provided in subsections (3) and (4) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require the person under restraint to submit to electronic monitoring. The court shall specify who will provide the electronic monitoring services, and the terms under which the monitoring will be performed. The order also may include a requirement that the person under restraint pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring))~~ punishable under RCW 26.50.110.

(2) A peace officer shall arrest without a warrant and take into custody a person when the peace officer has probable cause to believe that a foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order that prohibits the person under restraint from contacting or communicating with another person, or a provision that excludes the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within,

or knowingly remaining within a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

~~((3) An assault that is a violation of a valid foreign protection order that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and conduct in violation of a valid foreign protection order issued under this chapter that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.~~

~~(4) A violation of a valid foreign protection order is a class C felony if the offender has at least two previous convictions for violating the provisions of a no contact order issued under chapter 10.99 RCW, a domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50 RCW, or a federal or out of state order that is comparable to a no contact or protection order issued under Washington law. The previous convictions may involve the same person entitled to protection or other person entitled to protection specifically protected by the no contact orders or protection orders the offender violated.)~~

Sec. 23. RCW 74.34.130 and 1999 c 176 s 13 are each amended to read as follows:

The court may order relief as it deems necessary for the protection of the petitioner, including, but not limited to the following:

(1) Restraining respondent from committing acts of abandonment, abuse, neglect, or financial exploitation;

(2) Excluding the respondent from petitioner's residence for a specified period or until further order of the court;

(3) Prohibiting contact by respondent for a specified period or until further order of the court;

(4) Prohibiting the respondent from knowingly coming within, or knowingly remaining within a specified distance from a specified location;

(5) Requiring an accounting by respondent of the disposition of petitioner's income or other resources;

~~((5))~~ (6) Restraining the transfer of property for a specified period not exceeding ninety days;

~~((6))~~ (7) Requiring the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year. The clerk of the court shall enter any order for protection issued under this section into the judicial information system.

NEW SECTION. **Sec. 24.** Section 13 of this act takes effect July 1, 2000.

NEW SECTION. **Sec. 25.** The penalties prescribed in this act apply to violations of court orders which occur on or after July 1, 2000, regardless of the date the court issued the order."

On page 1, line 1 of the title, after "orders;" strike the remainder of the title and insert "amending RCW 10.31.100, 10.99.020, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, 26.50.070, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.50.160, 26.52.070, and 74.34.130; reenacting and amending RCW 9.94A.320 and 9.94A.440; adding a new section to chapter 26.50 RCW; adding a new section to chapter 74.34 RCW; creating a new section; prescribing penalties; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House deferred action on House Bill No. 2595.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2332 with the following amendment(s)

On page 3, line 25, after "service." insert "Nonassociated student body program fund moneys shall not be deemed public moneys under section 7, Article VIII, of the state Constitution."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2332 and advanced the bill as amended by the Senate to final passage.

Representatives Schual-Berke and Dunn spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2332 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2332 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Thomas and Van Luven - 2.

Substitute House Bill No. 2332, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 29, 2000

Mr. Speaker:

The Senate has passed Engrossed House Bill No. 2561 with the following amendment(s)

On page 2, line 15, after "buffering." insert "Provisions for transitional uses and buffering must be compatible with the town's historic character and must protect the existing natural and built

environment under the requirements of this chapter within and beyond the additional limited areas, including visual compatibility."

On page 2, line 17, after "town," insert "including the additional limited areas," and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 2561 and advanced the bill as amended by the Senate to final passage.

Representatives Rockefeller and Woods spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2561 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2561 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Thomas and Van Luven - 2.

Engrossed House Bill No. 2561, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed Engrossed House Bill No. 2424 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.135 and 1999 c 196 s 15 are each amended to read as follows:

(1) When an offender registers with the county sheriff pursuant to RCW 9A.44.130, the county sheriff shall notify the police chief or town marshal of the jurisdiction in which the offender has registered to live. If the offender registers to live in an unincorporated area of the county, the sheriff shall make reasonable attempts to verify that the offender is residing at the registered address. If the offender registers to live in an incorporated city or town, the police chief or town marshal shall make

reasonable attempts to verify that the offender is residing at the registered address. Reasonable attempts at verifying an address shall include at a minimum:

(a) For offenders who have not been previously designated sexually violent predators under chapter 71.09 RCW or an equivalent procedure in another jurisdiction, each year the chief law enforcement officer of the jurisdiction where the offender is registered to live shall send by certified mail, with return receipt requested, a nonforwardable verification form to the offender at the offender's last registered address.

(b) For offenders who have been previously designated sexually violent predators under chapter 71.09 RCW or the equivalent procedure in another jurisdiction, even if the designation has subsequently been removed, every ninety days the county sheriff shall send by certified mail, with return receipt requested, a nonforwardable verification form to the offender at the offender's last registered address.

(c) The offender must sign the verification form, state on the form whether he or she still resides at the last registered address, and return the form to the chief law enforcement officer of the jurisdiction where the offender is registered to live within ten days after receipt of the form.

(2) The chief law enforcement officer of the jurisdiction where the offender has registered to live shall make reasonable attempts to locate any sex offender who fails to return the verification form or who cannot be located at the registered address. If the offender fails to return the verification form or the offender is not at the last registered address, the chief law enforcement officer of the jurisdiction where the offender has registered to live shall promptly forward this information to the county sheriff and to the Washington state patrol for inclusion in the central registry of sex offenders.

(3) When an offender notifies the county sheriff of a change to his or her residence address pursuant to RCW 9A.44.130, and the new address is in a different law enforcement jurisdiction, the county sheriff shall notify the police chief or town marshal of the jurisdiction from which the offender has moved.

Sec. 2. RCW 9A.44.130 and 1999 sp.s. c 6 s 2 and 1999 c 352 s 9 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which

convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July

27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new

address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. ~~((If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state.))~~ Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report in person to the sheriff of the county where he or she is registered. If he or she has been classified as a risk level I sex or kidnapping offender, he or she must report monthly. If he or she has been classified as a risk level II or III sex or kidnapping offender, he or she must report weekly. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a

fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

(b) "Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

Sec. 3. RCW 9A.44.140 and 1998 c 220 s 3 are each amended to read as follows:

(1) The duty to register under RCW 9A.44.130 shall end:

(a) For a person convicted of a class A felony, or a person convicted of any sex offense or kidnapping offense who has one or more prior ~~((conviction[s]))~~ convictions for a sex offense or kidnapping offense: Such person may only be relieved of the duty to register under subsection (3) or (4) of this section.

(b) For a person convicted of a class B felony, and the person does not have one or more prior ~~((conviction[s]))~~ convictions for a sex offense or kidnapping offense: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony, a violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to commit a class C felony, and the person does not have one or more prior ~~((conviction[s]))~~ convictions for a sex offense or kidnapping offense: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) The provisions of subsection (1) of this section shall apply equally to a person who has been found not guilty by reason of insanity under chapter 10.77 RCW of a sex offense or kidnapping offense.

(3)(a) Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty, if the person has spent ten consecutive years in the community without being convicted of any new offenses. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. Except as provided in subsection (4) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(b)(i) The court may not relieve a person of the duty to register if the person has been determined to be a sexually violent predator as defined in RCW 71.09.020, or has been convicted of a sex offense or kidnapping offense that is a class A felony and that was committed with forcible compulsion on or after the effective date of this act.

(ii) Any person subject to (b)(i) of this subsection may petition the court to be exempted from any community notification requirements that the person may be subject to fifteen years after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction, if the person has spent the time in the community without being convicted of any new offense.

(4) An offender having a duty to register under RCW 9A.44.130 for a sex offense or kidnapping offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after adjudication, and may consider other factors.

(a) The court may relieve the petitioner of the duty to register for a sex offense or kidnapping offense that was committed while the petitioner was fifteen years of age or older only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(b) The court may relieve the petitioner of the duty to register for a sex offense or kidnapping offense that was committed while the petitioner was under the age of fifteen if the petitioner ~~((a))~~ (i) has not been adjudicated of any additional sex offenses or kidnapping offenses during the twenty-four months following the adjudication for the offense giving rise to the duty to register, and ~~((b) the petitioner))~~ (ii) proves by a preponderance of the evidence that future registration of the petitioner will

not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

This subsection shall not apply to juveniles prosecuted as adults.

(5) Unless relieved of the duty to register pursuant to this section, a violation of RCW 9A.44.130 is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

(6) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130.

Sec. 4. RCW 70.48.470 and 1997 c 364 s 3 and 1997 c 113 s 7 are each reenacted and amended to read as follows:

(1) A person having charge of a jail shall notify in writing any confined person who is in the custody of the jail for a conviction of a sex offense as defined in RCW 9.94A.030 or a kidnapping offense as defined in RCW 9A.44.130 of the registration requirements of RCW 9A.44.130 at the time of the inmate's release from confinement, and shall obtain written acknowledgment of such notification. The person shall also obtain from the inmate the county of the inmate's residence upon release from jail and, where applicable, the city.

(2) When a sex offender or a person convicted of a kidnapping offense as defined in RCW 9A.44.130 under local government jurisdiction will reside in a county other than the county of conviction upon discharge or release, the chief law enforcement officer of the jail or his or her designee shall give notice of the inmate's discharge or release to the sheriff of the county and, where applicable, to the police chief of the city where the offender will reside."

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9A.44.135 and 9A.44.140; and reenacting and amending RCW 9A.44.130 and 70.48.470."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 2424 and advanced the bill as amended by the Senate to final passage.

Representatives Ballasiotes, O'Brien, O'Brien (again), Mastin, Ballasiotes (again) and Cox spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2424 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2424 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner,

D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.
Excused: Representatives Thomas and Van Luven - 2.

Engrossed House Bill No. 2424, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 3099 with the following amendment(s)

On page 3, after line 14, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.61 RCW to read as follows:
To improve the ability of counties to finance long-term lake management objectives, lake management districts may be created for any needed period of time.

Sec. 2. RCW 36.61.020 and 1987 c 432 s 2 are each amended to read as follows:

Any county may create lake management districts to finance the improvement and maintenance of lakes located within or partially within the boundaries of the county. All or a portion of a lake and the adjacent land areas may be included within one or more lake management districts. More than one lake, or portions of lakes, and the adjacent land areas may be included in a single lake management district. ~~((A lake management district may be created for a period of up to ten years.))~~

Special assessments or rates and charges may be imposed on the property included within a lake management district to finance lake improvement and maintenance activities, including: (1) The control or removal of aquatic plants and vegetation; (2) water quality; (3) the control of water levels; (4) storm water diversion and treatment; (5) agricultural waste control; (6) studying lake water quality problems and solutions; (7) cleaning and maintaining ditches and streams entering or leaving the lake; and (8) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake management district.

Special assessments or rates and charges may be imposed annually on all the land in a lake management district for the duration of the lake management district without a related issuance of lake management district bonds or revenue bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake management district bonds.

Sec. 3. RCW 36.61.260 and 1985 c 398 s 26 are each amended to read as follows:

(1) Counties may issue lake management district bonds in accordance with this section. Lake management district bonds may be issued to obtain money sufficient to cover that portion of the special assessments that are not paid within the thirty-day period provided in RCW 36.61.190. ~~((The maximum term of lake management district bonds shall be ten years.))~~

Whenever lake management district bonds are proposed to be issued, the county legislative authority shall create a special fund or funds for the lake management district from which all or a portion of the costs of the lake improvement and maintenance activities shall be paid. Lake management district bonds shall not be issued in excess of the costs and expenses of the lake improvement and maintenance activities and shall not be issued prior to twenty days after the thirty days allowed for the payment of special assessments without interest or penalties.

Lake management district bonds shall be exclusively payable from the special fund or funds and from a guaranty fund that the county may have created out of a portion of proceeds from the sale of the lake management district bonds.

(2) Lake management district bonds shall not constitute a general indebtedness of the county issuing the bond nor an obligation, general or special, of the state. The owner of any lake management district bond shall not have any claim for the payment thereof against the county that issues the bonds except for payment from the special assessments made for the lake improvement or maintenance activities for which the lake management district bond was issued and from a lake management district guaranty fund that may have been created. The county shall not be liable to the owner of any lake management district bond for any loss to the lake management district guaranty fund occurring in the lawful operation of the fund. The owner of a lake management district bond shall not have any claim against the state arising from the lake management district bond, special assessments, or guaranty fund. Tax revenues shall not be used to secure or guarantee the payment of the principal of or interest on lake management district bonds.

The substance of the limitations included in this subsection shall be plainly printed, written, engraved, or reproduced on: (a) Each lake management district bond that is a physical instrument; (b) the official notice of sale; and (c) each official statement associated with the lake management district bonds.

(3) If the county fails to make any principal or interest payments on any lake management district bond or to promptly collect any special assessment securing the bonds when due, the owner of the lake management district bond may obtain a writ of mandamus from any court of competent jurisdiction requiring the county to collect the special assessments, foreclose on the related lien, and make payments out of the special fund or guaranty fund if one exists. Any number of owners of lake management districts may join as plaintiffs.

(4) A county may create a lake management district bond guaranty fund for each issue of lake management district bonds. The guaranty fund shall only exist for the life of the lake management district bonds with which it is associated. A portion of the bond proceeds may be placed into a guaranty fund. Unused moneys remaining in the guaranty fund during the last two years of the installments shall be used to proportionally reduce the required level of installments and shall be transferred into the special fund into which installment payments are placed.

(5) Lake management district bonds shall be issued and sold in accordance with chapter 39.46 RCW. The authority to create a special fund or funds shall include the authority to create accounts within a fund."

Renumber the remaining section consecutively.

On page 1, line 2 of the title, after "39.96.030," strike "and 39.96.070" and insert "39.96.070, 36.61.020, and 36.61.260; adding a new section to chapter 36.61 RCW"

and the same are herewith transmitted.

Tony M. Cook, Secretary

POINT OF ORDER

Representative Murray requested a Scope & Object ruling on the Senate amendment to Substitute House Bill No. 3099.

There being no objection, the House deferred action on Substitute House Bill No. 3099.

RECONSIDERATION

There being no objection, the House reconsidered its decision to not concur in the Senate amendments to Substitute House Bill No. 2418.

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2418 and advanced the bill as amended by the Senate to final passage.

Representatives Talcott, Rockefeller and Woods spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2418 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2418 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Excused: Representatives Thomas and Van Luven - 2.

Substitute House Bill No. 2418, as amended by the Senate, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Sunday, March 5, 2000, the 56th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTY FIFTH DAY, MARCH 4, 2000

JOURNAL OF THE HOUSE

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

FIFTY SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Sunday, March 5, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Steve Stensager and Scott Webster. Prayer was offered by Representative Mark Miloscia.

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

Speaker Ballard assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

February 29, 2000

Mr. Speaker:

The Senate has passed House Bill No. 1070 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.10.020 and 1997 c 376 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.050 and 39.10.060, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than one hundred fifty thousand; every city authorized to use the design-build procedure for a water system demonstration project under RCW 39.10.065(3); every county with a population greater than four hundred fifty thousand; ~~(and)~~ every port district with a population greater than five hundred thousand; and those school districts proposing projects that are considered and approved by the school district project review board under section 4 of this act.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

Sec. 2. RCW 39.10.060 and 1997 c 376 s 4 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section: The state department of general administration; the University of Washington; Washington State University; every city with a population greater than one hundred fifty thousand; every county with a population greater than four hundred fifty thousand; ~~(and)~~ every port district with a population greater than five hundred thousand; and those school districts proposing projects that are considered and approved by the school district project review board under section 4 of this act. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

(2) Except those school districts proposing projects that are considered and approved by the school district project review board public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over ten million dollars where:

- (a) Implementation of the project involves complex scheduling requirements;
- (b) The project involves construction at an existing facility which must continue to operate during construction; or
- (c) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project.

(3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; minority and women business enterprise total project goals, where applicable; and the bid instructions to be used by the general contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.

(5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the

negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. Subcontract work shall not be issued for bid until the public body has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the general contractor/construction manager for attaining applicable minority and women business enterprise total project goals that equitably spreads women and minority enterprise opportunities to as many firms in as many bid packages as is practicable. When critical to the successful completion of a subcontractor bid package the owner and general contractor/construction manager may evaluate for bidding eligibility a subcontractor's ability, time, budget, and specification requirements based on the subcontractor's performance of those items on previous projects. Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low-responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid.

(7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work on projects valued over twenty million dollars if:

- (a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;
- (b) The bid opening is managed by the public body; and
- (c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed twenty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager.

NEW SECTION. Sec. 3. A new section is added to chapter 39.10 RCW to read as follows:

In addition to the projects authorized in RCW 39.10.060, public bodies may also use the general contractor/construction manager contracting procedure for the construction of school district capital demonstration projects, subject to the following conditions:

- (1) The project must receive approval from the school district project review board established under section 4 of this act.

(2) The school district project review board may not authorize more than two demonstration projects valued over ten million dollars and two demonstration projects valued between five and ten million dollars.

(3) The school district project review board may not approve more than one demonstration project under this section for each school district.

NEW SECTION. **Sec. 4.** A new section is added to chapter 39.10 RCW to read as follows:

(1) The school district project review board is established to review school district proposals submitted by school districts to use alternative public works contracting procedures. The board shall select and approve qualified projects based upon an evaluation of the information submitted by the school district under subsection (2) of this section. The membership of the board shall be selected by the independent oversight committee as established under RCW 39.10.110 and shall include the following representatives, each having experience with public works or commercial construction: One representative from the office of the superintendent of public instruction; one representative from the office of financial management; two representatives from the construction industry, one of whom works for a construction company with gross annual revenues of twenty million dollars or less; one representative from the specialty contracting industry; one representative from organized labor; one representative from the design industry; one representative from a public body previously authorized under this chapter to use an alternative public works contracting procedure who has experience using such alternative contracting procedures; one representative from school districts with ten thousand or more annual average full-time equivalent pupils; and one representative from school districts with fewer than ten thousand average full-time equivalent pupils. Each member shall be appointed for a term of three years, with the first three-year term commencing after the effective date of this section. Any member of the school district project review board who is directly affiliated with any applicant before the board must recuse him or herself from consideration of the application.

(2) A school district seeking to use alternative contracting procedures authorized under this chapter shall file an application with the school district project review board. The application form shall require the district to submit a detailed statement of the proposed project, including the school district's name; student population based upon October full-time equivalents; the current projected total budget for the project, including the estimated construction costs, costs for professional services, equipment and furnishing costs, off-site costs, contract administration costs, and other related project costs; the anticipated project design and construction schedule; a summary of the school district's construction activity for the preceding six years; and an explanation of why the school district believes the use of an alternative contracting procedure is in the public interest and why the school district is qualified to use an alternative contracting procedure, including a summary of the relevant experience of the school district's management team. The applicant shall also provide in a timely manner any other information concerning implementation of projects under this chapter requested by the school district project review board to assist in its consideration.

(3) Any school district whose application is approved by the school district project review board shall comply with the public notification and review requirements in RCW 39.10.030.

(4) Any school district whose application is approved by the school district project review board shall not use as an evaluation factor whether a contractor submitting a bid for the approved project has had prior general contractor/construction manager procedure experience.

(5) The school district project review board shall prepare and issue a report reviewing the use of the alternative public works contracting procedures by school districts. The board shall report to the independent oversight committee at least sixty days before the oversight committee is required to report to the legislature under RCW 39.10.110(4)."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 39.10.020 and 39.10.060; and adding new sections to chapter 39.10 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1070 and advanced the bill as amended by the Senate to final passage.

Representatives Romero and Schmidt spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Ballard stated the question before the House to be final passage of House Bill No. 1070 as amended by the Senate.

MOTIONS

On motion of Representative Schoesler, Representatives Boldt, Campbell, Crouse, DeBolt, Mulliken, Thomas and Van Luven were excused. On motion of Representative Wolfe, Representatives Anderson, Dickerson, Eickmeyer, Haigh, Keiser, Morris, Poulsen, Quall, Reardon and Scott were excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1070 as amended by the Senate and the bill passed the House by the following vote: Yeas - 80, Nays - 1, Absent - 0, Excused - 17.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 80.

Voting nay: Representative Cox - 1.

Excused: Representatives Anderson, Boldt, Campbell, Crouse, DeBolt, Dickerson, Eickmeyer, Haigh, Keiser, Morris, Mulliken, Poulsen, Quall, Reardon, Scott, Thomas and Van Luven - 17.

House Bill No. 1070, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 29, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 1218 with the following amendment(s)

On page 7, line 38, after "30," strike "2000" and insert "2001"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1218 and advanced the bill as amended by the Senate to final passage.

Representatives Cody and Pflug spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 1218 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1218 as amended by the Senate and the bill passed the House by the following vote: Yeas - 81, Nays - 0, Absent - 0, Excused - 17.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 81.

Excused: Representatives Anderson, Boldt, Campbell, Crouse, DeBolt, Dickerson, Eickmeyer, Haigh, Keiser, Morris, Mulliken, Poulsen, Quall, Reardon, Scott, Thomas and Van Luven - 17.

Substitute House Bill No. 1218, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2338 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 79A.05 RCW to read as follows:

(1) Notwithstanding any other provision of this chapter, the commission may directly dispose of up to ten contiguous acres of real property, without public auction, to resolve trespass, property ownership disputes, and boundary adjustments with adjacent private property owners. Real property to be disposed of under this section may be disposed of only after appraisal and for at least fair market value, and only if the transaction is in the best interest of the state. The commission shall cooperate with potential purchasers to arrive at a mutually agreeable sales price. If necessary, determination of fair market value may include the use of separate independent appraisals by each party and the review of the appraisals, as agreed upon by the parties. All conveyance documents shall be executed by the governor. All proceeds from the disposal of the property shall be paid into the park land acquisition account. No disposal of real property may be made without the unanimous consent of the commission.

(2) Prior to the disposal of any real property under subsection (1) of this section, the commission shall hold a public hearing on the proposal in the county where the real property, or the greatest portion of the real property, is located. At least ten days, but not more than twenty-five days, prior to the hearing, the commission shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more

daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the real property is located. A news release concerning the public hearing must be disseminated among print and electronic media in the area where the real property is located. The public notice and news release shall also identify the real property involved in the proposed disposal and describe the purpose of the proposed disposal. A summary of the testimony presented at the public hearing shall be prepared for the commission's consideration when reviewing the proposed disposal of real property.

(3) If there is a failure to substantially comply with the procedures set out under this section, then the agreement to dispose of the real property is subject to being declared invalid by a court of competent jurisdiction. Such a suit must be brought within one year of the date of the real property disposal agreement."

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "and adding a new section to chapter 79A.05 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2338 and advanced the bill as amended by the Senate to final passage.

Representatives Alexander and Regala spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2338 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2338 as amended by the Senate and the bill passed the House by the following vote: Yeas - 81, Nays - 0, Absent - 0, Excused - 17.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 81.

Excused: Representatives Anderson, Boldt, Campbell, Crouse, DeBolt, Dickerson, Eickmeyer, Haigh, Keiser, Morris, Mulliken, Poulsen, Quall, Reardon, Scott, Thomas and Van Luven - 17.

Substitute House Bill No. 2338, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2454 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act shall be known and cited as the Fred Mills act.

Sec. 2. RCW 74.41.020 and 1987 c 409 s 1 are each amended to read as follows:

It is the intent of the legislature to provide ~~((for both))~~ a comprehensive program of long-term care information and support, including in-home and out-of-home respite care services ((which are provided by a range of service providers)), for family and other unpaid caregivers who provide the daily services required when caring for adults with functional disabilities. The ~~((respite care))~~ family caregiver long-term care information and support services shall:

(1) Provide information, relief, and support to family or other unpaid caregivers of ~~((disabled))~~ adults with functional disabilities;

(2) Encourage family and other nonpaid individuals to provide care for ~~((disabled))~~ adults with functional disabilities at home, and thus offer a viable alternative to ~~((institutionalization))~~ placement in a long-term care facility;

(3) Ensure that respite care is made generally available on a sliding-fee basis to eligible participants in the program according to priorities established by the department;

(4) Be provided in the least restrictive setting available consistent with the individually assessed needs of the ~~((functionally disabled))~~ adults with functional disabilities; ~~((and))~~

(5) Include services appropriate to the needs of persons caring for individuals with dementing illnesses; and

(6) Provide unpaid family and other unpaid caregivers with services that enable them to make informed decisions about current and future care plans, solve day-to-day caregiving problems, learn essential caregiving skills, and locate services that may strengthen their capacity to provide care.

Sec. 3. RCW 74.41.030 and 1987 c 409 s 2 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) "Family caregiver long-term care information and support services" means providing long-term care information and support services to unpaid family and other unpaid caregivers of adults with functional disabilities, including but not limited to providing: (a) Information about available public and private long-term care support services; (b) assistance in gaining access to an array of appropriate long-term care family caregiver services; (c) promotion and implementation of support groups; (d) caregiver training to assist the nonpaid caregivers in making decisions and solving challenges relating to their caregiving roles; (e) respite care services; and (f) additional supportive long-term care services that may include but not be limited to translating/interpreter services, specialized transportation, coordination of health care services, help purchasing needed supplies, durable goods, or equipment, and other forms of information and support necessary to maintain the unpaid caregiving activity.

(2) "Respite care services" means relief care for families or other caregivers of ((disabled)) adults with functional disabilities, eligibility for which shall be determined by the department by rule. The services provide temporary care or supervision of ((disabled)) adults with functional disabilities in substitution for the caregiver. The term includes ((social)) adult day ((care)) services.

~~((2))~~ (3) "Eligible participant for family caregiver long-term care information and support services" means an adult ((a)) who needs substantially continuous care or supervision by reason of his or her functional disability((, and (b) who is assessed as requiring institutionalization in the absence of a caregiver assisted by home and community support services, including respite care)) and may be at risk of placement into a long-term care facility.

(4) "Eligible participant for respite care services" means an adult who needs substantially continuous care or supervision by reason of his or her functional disability and is also assessed as requiring placement into a long-term care facility in the absence of an unpaid family or other unpaid caregiver.

~~((3))~~ (5) "Unpaid caregiver" means a spouse, relative, or friend who has primary responsibility for the care of ~~((a functionally disabled adult,))~~ an adult with a functional disability and who does not receive financial compensation for the care~~((, and who is assessed as being at risk of placing the eligible participant in a long term care facility if respite care is not available))~~. To be eligible for respite care and for family caregiver support services, the caregiver is considered the client.

~~((4) "Institutionalization" means placement in a long term care facility.~~

~~(5))~~ (6) "~~(Social)~~ Adult day ~~((care))~~ services" means nonmedical services to persons who live with their families, cannot be left unsupervised, and are at risk of being placed in a twenty-four-hour care facility if their families do not receive some relief from constant care.

~~((6))~~ (7) "Department" means the department of social and health services.

Sec. 4. RCW 74.41.050 and 1989 c 427 s 8 are each amended to read as follows:

The department shall contract with area agencies on aging or other appropriate agencies to conduct ~~((respite care projects))~~ family caregiver long-term care information and support services to the extent of available funding. The responsibilities of the agencies shall include but not be limited to: (1) Administering a program of family caregiver long-term care information and support services; and (2) negotiating rates of payment, administering sliding-fee scales to enable eligible participants to participate in paying for respite care, and arranging for respite care information, training, and other support services. ~~((Rates of payment to respite care service providers shall not exceed, and may be less than, rates paid by the department to providers for the same level of service.))~~ In evaluating the need for respite services, consideration shall be given to the mental and physical ability of the caregiver to perform necessary caregiver functions.

Sec. 5. RCW 74.41.070 and 1998 c 245 s 151 are each amended to read as follows:

The area agencies on aging administering ~~((respite care programs))~~ family caregiver long-term care information and support services shall maintain data which indicates demand for ~~((respite care, and which includes information on in home and out of home day care and in home and out of home overnight care demand))~~ family caregiver long-term care information and support services."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.41.020, 74.41.030, 74.41.050, and 74.41.070; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2454 and advanced the bill as amended by the Senate to final passage.

Representatives Edmonds and Pflug spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2454 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2454 as amended by the Senate and the bill passed the House by the following vote: Yeas - 81, Nays - 0, Absent - 0, Excused - 17.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky,

Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 81.

Excused: Representatives Anderson, Boldt, Campbell, Crouse, DeBolt, Dickerson, Eickmeyer, Haigh, Keiser, Morris, Mulliken, Poulsen, Quall, Reardon, Scott, Thomas and Van Luven - 17.

Substitute House Bill No. 2454, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2520 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.05.020 and 1999 c 13 s 5 are each amended to read as follows:

~~((For the purposes of))~~ The definitions in this section apply throughout this chapter((:)) unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

~~((2))~~ (3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

~~((3))~~ (4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "County designated mental health professional" means a mental health professional appointed by the county to perform the duties specified in this chapter;

~~((4))~~ (7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

~~((5))~~ (8) "Department" means the department of social and health services;

~~((6))~~ (9) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(10) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

~~((7))~~ (11) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

~~((8))~~ (12) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(13) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder,

and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

~~((9))~~ (14) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

~~((10))~~ (15) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct;

~~((11))~~ (16) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

~~((12))~~ (17) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge ~~((from involuntary confinement))~~ or release, and a projected possible date for discharge ~~((from involuntary confinement))~~ or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

~~((13))~~ (18) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((14))~~ (19) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts;

~~((15))~~ (20) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

~~((16))~~ (21) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((17))~~ (22) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

~~((18))~~ (23) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

~~((19))~~ (24) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((20))~~ (25) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((21))~~ (26) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((22))~~ (27) "Public agency" means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill; if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

~~((23))~~ (28) "Release" means legal termination of the commitment under the provisions of this chapter;

(29) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((24))~~ (30) "Secretary" means the secretary of the department of social and health services, or his or her designee;

~~((25))~~ (31) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

~~((26))~~ (32) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 2. RCW 71.05.025 and 1989 c 205 s 9 are each amended to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure a continuum of care to persons who are mentally ill or who have mental disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, regional support networks established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by county-designated mental health professionals and evaluation and treatment facilities to assure that determinations to admit, detain, commit, treat, discharge, or release persons with mental disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

Sec. 3. RCW 71.05.050 and 1998 c 297 s 6 are each amended to read as follows:

Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a mental disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his or her request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate ~~((release))~~ discharge, and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment ~~((and/or))~~ or possible ~~((release))~~ discharge, at which time they shall again be advised of their right to ~~((release))~~ discharge upon request: PROVIDED HOWEVER, That if the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests ~~((release))~~ discharge as presenting, as a result of a mental disorder, an imminent likelihood of serious harm, or is gravely disabled, they may detain such person for sufficient time to notify the county

designated mental health professional of such person's condition to enable the county designated mental health professional to authorize such person being further held in custody or transported to an evaluation and treatment center pursuant to the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day: PROVIDED FURTHER, That if a person is brought to the emergency room of a public or private agency or hospital for observation or treatment, the person refuses voluntary admission, and the professional staff of the public or private agency or hospital regard such person as presenting as a result of a mental disorder an imminent likelihood of serious harm, or as presenting an imminent danger because of grave disability, they may detain such person for sufficient time to notify the county designated mental health professional of such person's condition to enable the county designated mental health professional to authorize such person being further held in custody or transported to an evaluation treatment center pursuant to the conditions in this chapter, but which time shall be no more than six hours from the time the professional staff determine that an evaluation by the county designated mental health professional is necessary.

Sec. 4. RCW 71.05.120 and 1991 c 105 s 2 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any county designated mental health professional, nor the state, a unit of local government, or an evaluation and treatment facility shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

Sec. 5. RCW 71.05.170 and 1998 c 297 s 10 are each amended to read as follows:

Whenever the county designated mental health professional petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit, detain, transfer, or ~~((release))~~ discharge such person in accordance with RCW 71.05.210. The facility shall notify in writing the court and the county designated mental health professional of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention.

The duty of a state hospital to accept persons for evaluation and treatment under this section shall be limited by chapter 71.24 RCW.

Sec. 6. RCW 71.05.210 and 1998 c 297 s 12 are each amended to read as follows:

Each person involuntarily ~~((admitted to))~~ detained and accepted or admitted at an evaluation and treatment facility shall, within twenty-four hours of his or her admission or acceptance at the facility, be examined and evaluated by a licensed physician who may be assisted by a physician assistant according to chapter 18.71A RCW or an advanced registered nurse practitioner according to chapter 18.79 RCW and a mental health professional, and shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.340, or 71.05.370, the individual may refuse psychiatric medications, but may not refuse: (1) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (2) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to

seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the licensed physician and mental health professional determine that the initial needs of the person would be better served by placement in a chemical dependency treatment facility, then the person shall be referred to an approved treatment program defined under RCW 70.96A.020.

An evaluation and treatment center admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the county designated mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 7. RCW 71.05.325 and 1994 c 129 s 8 are each amended to read as follows:

(1) Before a person committed under grounds set forth in RCW 71.05.280(3) is released (~~((from involuntary treatment))~~) because a new petition for involuntary treatment has not been filed under RCW 71.05.320(2), the superintendent, professional person, or designated mental health professional responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least forty-five days before the period of commitment expires.

(2)(a) Before a person committed under grounds set forth in RCW 71.05.280(3) is permitted temporarily to leave a treatment facility pursuant to RCW 71.05.270 for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county (~~((to which the person is to be released))~~) of the person's destination and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed (~~((of the decision conditionally to release the person))~~). The notice shall be provided at least forty-five days before the anticipated (~~((release))~~) leave and shall describe the conditions under which the (~~((release))~~) leave is to occur.

(b) The provisions of RCW 71.05.330(2) apply to proposed (~~((temporary releases))~~) leaves, and either or both prosecuting attorneys receiving notice under this subsection may petition the court under RCW 71.05.330(2).

(3) Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect.

(4) The existence of the notice requirements in this section will not require any extension of the (~~((release))~~) leave date in the event the (~~((release))~~) leave plan changes after notification.

(5) The notice requirements contained in this section shall not apply to emergency medical (~~((furloughs))~~) transfers.

(6) The notice provisions of this section are in addition to those provided in RCW 71.05.425.

Sec. 8. RCW 71.05.340 and 1998 c 297 s 21 are each amended to read as follows:

(1)(a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment prior to or at the expiration of the period of commitment, then such outpatient care may be required as a (~~((condition for early))~~) term of conditional release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the (~~((conditions for early))~~) terms of conditional release shall be given to the patient, the county

designated mental health professional in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(2)(c) is conditionally released under (a) of this subsection, the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the ~~((conditions for early))~~ terms of conditional release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and guardian or conservator of the committed person, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

(2) The hospital or facility designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions.

(3)(a) If the hospital or facility designated to provide outpatient care, the county designated mental health professional, or the secretary determines that:

- (i) A conditionally released person is failing to adhere to the terms and conditions of his or her release;
- (ii) Substantial deterioration in a conditionally released person's functioning has occurred;
- (iii) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or
- (iv) The person poses a likelihood of serious harm.

Upon notification by the hospital or facility designated to provide outpatient care, or on his or her own motion, the county designated mental health professional or the secretary may order that the conditionally released person be apprehended and taken into custody and temporarily detained in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment.

(b) The hospital or facility designated to provide outpatient treatment shall notify the secretary or county designated mental health professional when a conditionally released person fails to adhere to terms and conditions of his or her conditional release or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm. The county designated mental health professional or secretary shall order the person apprehended and temporarily detained in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment.

(c) A person detained under this subsection (3) shall be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been conditionally released. The county designated

mental health professional or the secretary may modify or rescind such order at any time prior to commencement of the court hearing.

(d) The court that originally ordered commitment shall be notified within two judicial days of a person's detention under the provisions of this section, and the county designated mental health professional or the secretary shall file his or her petition and order of apprehension and detention with the court and serve them upon the person detained. His or her attorney, if any, and his or her guardian or conservator, if any, shall receive a copy of such papers as soon as possible. Such person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The issues to be determined shall be: (i) Whether the conditionally released person did or did not adhere to the terms and conditions of his or her conditional release; (ii) that substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the conditions listed in this subsection (3)(d) have occurred, whether the ~~((conditions of))~~ terms of conditional release should be modified or the person should be returned to the facility.

(e) Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed for involuntary treatment, or otherwise in accordance with the provisions of this chapter. Such hearing may be waived by the person and his or her counsel and his or her guardian or conservator, if any, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

(4) The proceedings set forth in subsection (3) of this section may be initiated by the county designated mental health professional or the secretary on the same basis set forth therein without requiring or ordering the apprehension and detention of the conditionally released person, in which case the court hearing shall take place in not less than five days from the date of service of the petition upon the conditionally released person.

Upon expiration of the period of commitment, or when the person is released from outpatient care, notice in writing to the court which committed the person for treatment shall be provided.

(5) The grounds and procedures for revocation of less restrictive alternative treatment shall be the same as those set forth in this section for conditional releases.

(6) In the event of a revocation of a conditional release, the subsequent treatment period may be for no longer than the actual period authorized in the original court order.

Sec. 9. RCW 71.05.390 and 1999 c 12 s 1 are each amended to read as follows:

Except as provided in this section, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his or her guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person: (a) Employed by the facility; (b) who has medical responsibility for the patient's care; (c) who is a county designated mental health professional; (d) who is providing services under chapter 71.24 RCW; (e) who is employed by a state or local correctional facility where the person is confined; or (f) who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/

"

(6) To the courts as necessary to the administration of this chapter.

(7) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary (~~admission~~) commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(12) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(13) To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.

(14) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial or in a civil commitment proceeding pursuant to chapter 71.09 RCW. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 10. RCW 71.05.425 and 1999 c 13 s 8 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final ~~((discharge))~~ release, authorized leave under RCW 71.05.325(2), or transfer to a ~~((less-restrictive))~~ facility other than a state mental hospital, the superintendent shall send written notice of conditional release, ~~((final-discharge))~~ release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) to the following:

(i) The chief of police of the city, if any, in which the person will reside; and

(ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(2)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical ~~((furloughs))~~ transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding

commitment under RCW 71.05.280(3) or 71.05.320(2) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 71.05.410. If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 11. RCW 71.05.640 and 1999 c 13 s 9 are each amended to read as follows:

(1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the individual.

(2) Following discharge, the individual shall have a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all individuals shall be informed by resource management services of their rights as provided in RCW 71.05.610 through 71.05.690.

Sec. 12. RCW 10.77.010 and 1999 c 143 s 49 and 1999 c 13 s 2 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(4) "County designated mental health professional" has the same meaning as provided in RCW 71.05.020.

~~((2))~~ (5) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

~~((3))~~ (6) "Department" means the state department of social and health services.

~~((4))~~ (7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

~~((5))~~ (9) "Developmental disability" means the condition as defined in RCW 71A.10.020(3).

~~((6))~~ (10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

~~((7))~~ (12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct.

~~((8))~~ (13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

~~((9))~~ (14) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

~~((10))~~ (15) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

~~((11))~~ (16) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

- (a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;
- (b) The conditions and strategies necessary to achieve the purposes of habilitation;
- (c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;
- (d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;
- (e) The staff responsible for carrying out the plan;
- (f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual ~~((discharge from involuntary confinement))~~ release, and a projected possible date for ~~((discharge from involuntary confinement))~~ release; and
- (g) The type of residence immediately anticipated for the person and possible future types of residences.

~~((12))~~ (17) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

~~((13))~~ (18) "Release" means legal termination of the court ordered commitment under the provisions of this chapter.

(19) "Secretary" means the secretary of the department of social and health services or his or her designee.

~~((14))~~ (20) "Treatment" means any currently standardized medical or mental health procedure including medication.

~~((15))~~ (21) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person.

Sec. 13. RCW 10.77.025 and 1998 c 297 s 31 are each amended to read as follows:

(1) Whenever any person has been: (a) Committed to a correctional facility or inpatient treatment under any provision of this chapter; or (b) ordered to undergo alternative treatment following his or her acquittal by reason of insanity of a crime charged, such commitment or treatment cannot exceed the maximum possible penal sentence for any offense charged for which the person was committed, or was acquitted by reason of insanity.

(2) Whenever any person committed under any provision of this chapter has not been ~~((finally discharged))~~ released within seven days of the maximum possible penal sentence under subsection (1) of this section, and the professional person in charge of the facility believes ~~((it more likely than not that the person will not be finally discharged))~~ that the person presents a likelihood of serious harm or is gravely disabled due to a mental disorder, the professional person shall, prior to the ~~((person's release from the facility))~~ expiration of the maximum penal sentence, notify the appropriate county designated mental health professional of the impending ~~((release))~~ expiration and provide a copy of all relevant information regarding the person, including the likely release date and shall indicate why ~~((final discharge was not made))~~ the person should not be released.

(3) A county designated mental health professional who receives notice and records under subsection (2) of this section shall, prior to the date of ~~((probable release))~~ the expiration of the maximum sentence, determine whether to initiate proceedings under chapter 71.05 RCW.

Sec. 14. RCW 10.77.110 and 1998 c 297 s 39 are each amended to read as follows:

(1) If a defendant is acquitted of a crime by reason of insanity, and it is found that he or she is not a substantial danger to other persons, and does not present a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall direct the defendant's ~~((final discharge))~~ release. If it is found that such defendant is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall order his or her hospitalization, or any appropriate alternative treatment less restrictive than detention in a state mental hospital, pursuant to the terms of this chapter.

(2) If the defendant has been found not guilty by reason of insanity and a substantial danger, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, so as to require treatment then the secretary shall immediately cause the defendant to be evaluated to ascertain if the defendant is developmentally disabled. When appropriate, and subject to available funds, the defendant may be committed to a program specifically reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services according to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons. The treatment program shall provide physical security to a degree consistent with the finding that the defendant is dangerous and may incorporate varying conditions of security and alternative sites when the dangerousness of any particular defendant makes this necessary. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

(3) If it is found that such defendant is not a substantial danger to other persons, and does not present a substantial likelihood of committing criminal acts jeopardizing public safety or security, but

that he or she is in need of control by the court or other persons or institutions, the court shall direct the defendant's conditional release.

Sec. 15. RCW 10.77.120 and 1989 c 420 s 7 are each amended to read as follows:

The secretary shall forthwith provide adequate care and individualized treatment at one or several of the state institutions or facilities under his or her direction and control wherein persons committed as criminally insane may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons who are committed to the secretary's custody, but such provision shall be made for their control, care, and treatment as is proper in view of their condition. In order that the secretary may adequately determine the nature of the mental illness or developmental disability of the person committed to him or her as criminally insane, and in order for the secretary to place such individuals in a proper facility, all persons who are committed to the secretary as criminally insane shall be promptly examined by qualified personnel in such a manner as to provide a proper evaluation and diagnosis of such individual. The examinations of all developmentally disabled persons committed under this chapter shall be performed by developmental disabilities professionals. Any person so committed shall not be ~~((discharged))~~ released from the control of the secretary save upon the order of a court of competent jurisdiction made after a hearing and judgment of ~~((discharge))~~ release.

Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send him or her in the custody of one or more department employees to the county where the hearing is to be held at the time the case is called for trial. During the time the person is absent from the facility, he or she shall be confined in a facility designated by and arranged for by the department, and shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall forthwith return the person to such institution or facility designated by the secretary. If the state appeals an order of ~~((discharge))~~ release, such appeal shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause.

Sec. 16. RCW 10.77.200 and 1998 c 297 s 44 are each amended to read as follows:

(1) Upon application by the committed or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for ~~((final discharge))~~ release. In making this determination, the secretary may consider the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case. If the secretary approves the ~~((final discharge))~~ release he or she then shall authorize the person to petition the court.

(2) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for ~~((final discharge))~~ release, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the prosecuting attorney's choice. If the petitioner is indigent, and the person so requests, the court shall appoint a qualified expert or professional person to examine him or her. If the petitioner is developmentally disabled, the examination shall be performed by a developmental disabilities professional. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner no longer presents, as a result of a mental disease or defect, a substantial danger to other persons, or a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(3) Nothing contained in this chapter shall prohibit the patient from petitioning the court for ~~((final discharge))~~ release or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner, as a result of a mental disease or defect, is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

Sec. 17. RCW 10.77.205 and 1994 c 129 s 5 are each amended to read as follows:

(1)(a) At the earliest possible date, and in no event later than thirty days before conditional release, (~~(final discharge)~~) release, authorized furlough pursuant to RCW 10.77.163, or transfer to a less-restrictive facility than a state mental hospital, the superintendent shall send written notice of the conditional release, (~~(final discharge)~~) release, authorized furlough, or transfer of a person who has been found not guilty of a sex, violent, or felony harassment offense by reason of insanity and who is now in the custody of the department pursuant to this chapter, to the following:

(i) The chief of police of the city, if any, in which the person will reside; and

(ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under this chapter:

(i) The victim of the crime for which the person was committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) In addition to the notice requirements of (a) and (b) of this subsection, the superintendent shall comply with RCW 10.77.163.

(d) The thirty-day notice requirement contained in (a) and (b) of this subsection shall not apply to emergency medical furloughs.

(e) The existence of the notice requirements in (a) and (b) of this subsection shall not require any extension of the release date in the event the release plan changes after notification.

(2) If a person who has been found not guilty of a sex, violent, or felony harassment offense by reason of insanity and who is committed under this chapter escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim, if any, of the crime for which the person was committed or the victim's next of kin if the crime was a homicide. The superintendent shall also notify appropriate persons pursuant to RCW 10.77.165. If the person is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The department shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children;

(d) "Authorized furlough" means a furlough granted after compliance with RCW 10.77.163;

(e) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 18. RCW 49.19.010 and 1999 c 377 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Health care setting" means:

(a) Hospitals as defined in RCW 70.41.020;

(b) Home health, hospice, and home care agencies under chapter 70.127 RCW, subject to RCW 49.19.070;

(c) Evaluation and treatment facilities as defined in RCW 71.05.020(~~((8))~~) (12); and

(d) Community mental health programs as defined in RCW 71.24.025(~~((8))~~) (5).

(2) "Department" means the department of labor and industries.

(3) "Employee" means an employee as defined in RCW 49.17.020.

(4) "Violence" or "violent act" means any physical assault or verbal threat of physical assault against an employee of a health care setting."

On page 1, line 2 of the title, after "status;" strike the remainder of the title and insert "amending RCW 71.05.020, 71.05.025, 71.05.050, 71.05.120, 71.05.170, 71.05.210, 71.05.325, 71.05.340, 71.05.390, 71.05.425, 71.05.640, 10.77.025, 10.77.110, 10.77.120, 10.77.200, 10.77.205, and 49.19.010; and reenacting and amending RCW 10.77.010."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2520 and advanced the bill as amended by the Senate to final passage.

Representatives Schual-Berke and Pflug spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2520 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2520 as amended by the Senate and the bill passed the House by the following vote: Yeas - 81, Nays - 0, Absent - 0, Excused - 17.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 81.

Excused: Representatives Anderson, Boldt, Campbell, Crouse, DeBolt, Dickerson, Eickmeyer, Haigh, Keiser, Morris, Mulliken, Poulsen, Quall, Reardon, Scott, Thomas and Van Luven - 17.

House Bill No. 2520, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 29, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2599 with the following amendment(s)

On page 3, beginning on line 1, after "association" strike all material through "chapter," on line 3

On page 3, beginning on line 3, after "auditor" strike all material through "chapter" on line 6

On page 3, line 6 after "chapter," insert "The financial records of any nonprofit corporation utilized by port districts shall be subject to audit by the state auditor to determine compliance with the contractual terms and conditions under which payments or reimbursements are received under chapter 53.06 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2599 and advanced the bill as amended by the Senate to final passage.

Representatives Edwards and Alexander spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2599 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2599 as amended by the Senate and the bill passed the House by the following vote: Yeas - 81, Nays - 0, Absent - 0, Excused - 17.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 81.

Excused: Representatives Anderson, Boldt, Campbell, Crouse, DeBolt, Dickerson, Eickmeyer, Haigh, Keiser, Morris, Mulliken, Poulsen, Quall, Reardon, Scott, Thomas and Van Luven - 17.

Substitute House Bill No. 2599, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2449 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.52.420 and 1994 c 154 s 212 are each amended to read as follows:

(1) After the filing of any complaint, except as provided in RCW 42.52.450, the staff of the appropriate ethics board shall investigate the complaint. The investigation shall be limited to the ~~((alleged facts))~~ allegations contained in the complaint.

(2) The results of the investigation shall be reduced to writing and the staff shall either make a determination ~~((shall be made))~~ that the complaint should be dismissed pursuant to section 2 of this act, or recommend to the board that there is or that there is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed.

~~((A copy of the written))~~ (3) The board's determination on reasonable cause shall be provided to the complainant and to the person named in such complaint.

NEW SECTION. **Sec. 2.** A new section is added to chapter 42.52 RCW to read as follows:

(1) Based on the investigation conducted under RCW 42.52.420, and subject to rules issued by each board, the staff of the appropriate ethics board may issue an order of dismissal based on any of the following findings:

(a) Any violation that may have occurred is not within the jurisdiction of the board;
(b) The complaint is obviously unfounded or frivolous; or
(c) Any violation that may have occurred does not constitute a material violation because it was inadvertent and minor, or has been cured, and, after consideration of all of the circumstances, further proceedings would not serve the purposes of this chapter.

(2) Written notice of the determination under subsection (1) of this section shall be provided to the complainant, respondent, and the board. The written notice to the complainant shall include a statement of the complainant's right to appeal to the board under subsection (3) of this section.

(3) In the event that a complaint is dismissed under this section, the complainant may request that the board review the action. Following review, the board shall:

(a) Affirm the staff dismissal;
(b) Direct the staff to conduct further investigation; or
(c) Issue a determination that there is reasonable cause to believe that a violation has been or is being committed.

(4) The board's decision under subsection (3) of this section shall be reduced to writing and provided to the complainant and the respondent."

On page 1, line 1 of the title, after "complaints;" strike the remainder of the title and insert "amending RCW 42.52.420; and adding a new section to chapter 42.52 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2449 and advanced the bill as amended by the Senate to final passage.

Representatives Pennington and Romero spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2449 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2449 as amended by the Senate and the bill passed the House by the following vote: Yeas - 80, Nays - 1, Absent - 0, Excused - 17.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 80.

Voting nay: Representative Lantz - 1.

Excused: Representatives Anderson, Boldt, Campbell, Crouse, DeBolt, Dickerson, Eickmeyer, Haigh, Keiser, Morris, Mulliken, Poulsen, Quall, Reardon, Scott, Thomas and Van Luven - 17.

House Bill No. 2449, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2861 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.02.010 and 1993 c 448 s 1 are each amended to read as follows:

~~((As used in this chapter, unless the context otherwise requires:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

- (a) Statutory, regulatory, fiscal, medical, or scientific standards;
- (b) A private or public program of payments to a health care provider; or
- (c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, residence, sex, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(4) "Health care" means any care, service, or procedure provided by a health care provider:

- (a) To diagnose, treat, or maintain a patient's physical or mental condition; or
- (b) That affects the structure or any function of the human body.

(5) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(6) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care. The term includes any record of disclosures of health care information. The term includes genetic test information in a person's DNA and a person's DNA.

(7) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(8) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(9) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(10) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(11) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(12) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(13) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan; or a state or federal health benefit program.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.02 RCW to read as follows:
Genetic information in the form of deoxyribonucleic acid is health care information subject to the following provisions:

(1) Any entity, including any person, isolating a person's deoxyribonucleic acid in a form that identifies an individual person for purposes of genetic testing must have the person's informed consent.

(2) Informed consent requires:

(a) An explanation of the purpose for which the deoxyribonucleic acid is being obtained, and whether it will be converted into a computerized individual sequence of chemical base pairs or other form for interpretation;

(b) Identification of the entity obtaining the deoxyribonucleic acid and individual sequence;

(c) Disclosure of any entity with whom the deoxyribonucleic acid and individual sequence may be shared, including disclosure that the deoxyribonucleic acid or individual sequence may be shared in the future with an unknown entity;

(d) A statement of the expected duration that the deoxyribonucleic acid and individual sequence may be kept;

(e) A description of reasonably foreseeable risks or harm associated with providing the deoxyribonucleic acid and individual sequence;

(f) An explanation of how the deoxyribonucleic acid will be maintained, whether the physical sample will be destroyed or stored, including how and where it will be stored, and how the individual sequence information will be destroyed or stored, including how and where it will be stored;

(g) A statement describing any reasonably expected benefits or advantages associated with providing the deoxyribonucleic acid and individual sequence;

(h) A statement describing any confidentiality or privacy protections for the deoxyribonucleic acid and individual sequence;

(i) Identification of an individual contact and contact information from whom further information may be obtained or reported relative to the deoxyribonucleic acid and individual sequence;

(j) Provisions explaining whether the deoxyribonucleic acid and the individual sequence can be expunged or removed from the entity that obtained it and the method to do it;

(k) The exclusion of any exculpatory provisions from liability against the entity obtaining the deoxyribonucleic acid and individual sequence;

(l) A disclosure that providing deoxyribonucleic acid and an individual sequence is voluntary; and

(m) Compliance with the federal informed consent requirements, when applicable, which are more protective of individual privacy.

(3) A person's informed consent is not required:

(a) In criminal matters if the deoxyribonucleic acid is obtained or used during a criminal investigation, trial, appeal, or pursuant to specific common law or statutory authority, or a lawfully issued court order. Once a criminal conviction is final, a report that was not admitted into evidence, identifying a specific person by analysis of DNA obtained in the course of an investigation, shall be destroyed if the person is found to be uninvolved in the commission of the criminal act or acts;

(b) In situations where the person requires emergency medical care as long as the person, or his or her representative in death cases, is informed in a timely manner after the emergency that the deoxyribonucleic acid was obtained;

(c) In situations where a person's bodily fluids are obtained without consent pursuant to specific statutory requirement mandating testing;

(d) In situations where the individual is deceased and the entity requesting the deoxyribonucleic acid establishes in a court of law that obtaining individually identifiable deoxyribonucleic acid for genetic testing purposes benefits public health, safety, and welfare, and outweighs the harm to individual privacy interests, or the person requesting the deoxyribonucleic acid is a next of kin requesting the deoxyribonucleic acid for purposes of health care or other purpose that outweighs the harm to the individual's privacy interests, or the entity requesting the deoxyribonucleic acid has been authorized by an institutional review board to use the deoxyribonucleic acid pursuant to an approved protocol;

(e) Pursuant to the provisions of this section, if the entity or person is a health care provider or facility under chapter 70.02 RCW who is acting according to the provisions of that chapter, and who is subject to the provisions of chapter 7.70 RCW;

(f) Pursuant to provisions of this section, if the entity or person obtains an individual's deoxyribonucleic acid, or computerized information that provides the sequence of that individual's deoxyribonucleic acid, in a form that does not identify that individual;

(g) Pursuant to provisions of this section, if the entity or person who obtains deoxyribonucleic acid, or computerized information that provides the sequence of that deoxyribonucleic acid, is acting according to the provisions of an institutional review board established under federal law; and

(h) In death investigations for purposes of identifying the decedent.

NEW SECTION. **Sec. 3.** A new section is added to chapter 48.01 RCW to read as follows:

A person's individual health care information in the form of deoxyribonucleic acid shall not be screened in any insurance transaction. For purposes of this section, "screened" means obtaining a person's deoxyribonucleic acid and identifying the sequence of chemical base pairs. This section must not be interpreted to deny payment of claims.

Sec. 4. RCW 49.60.030 and 1997 c 271 s 2 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination, including the right to prohibit an employer from screening a person's individual health care information in the form of deoxyribonucleic acid. For purposes of this subsection, "screening" means obtaining a person's deoxyribonucleic acid and identifying a sequence of chemical base pairs;

(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(c) The right to engage in real estate transactions without discrimination, including discrimination against families with children;

(d) The right to engage in credit transactions without discrimination;

(e) The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this subparagraph; and

(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or national origin or lawful business relationship: PROVIDED HOWEVER, That nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(2) Any person deeming himself or herself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by this chapter or the United States Civil Rights Act of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(3) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any unfair practice prohibited by this chapter which is committed in the course of trade or commerce as defined in the Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of applying that chapter, a matter affecting the public interest, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce.

Sec. 5. RCW 70.83.050 and 1967 c 82 s 5 are each amended to read as follows:

The state board of health shall adopt rules and regulations necessary to carry out the intent of this chapter. Rules adopted by the state board of health must protect an individual's confidentiality of his or her genetic health care information obtained under this chapter.

NEW SECTION. Sec. 6. The legislature finds that:

- (1) Deoxyribonucleic acid (DNA) is a unique form of health care information;
- (2) The technology of DNA identification is of great potential benefit to the citizens of this state in many fields, including human services and health care, scientific research, criminal justice, and corrections;
- (3) Technology is changing and improving at an ever-increasing rate;
- (4) DNA technology is particularly important in assisting law enforcement in identifying and apprehending repeat criminal offenders as well as exonerating those people convicted and incarcerated for a crime they did not commit;
- (5) There are legitimate concerns for privacy rights in the creation, collection, maintenance, disclosure, identification, and use of DNA;
- (6) Protections of citizens' civil rights and individual privileges necessitate policy development of protections preventing the unauthorized use of DNA and the use of DNA for discriminatory purposes; and
- (7) There is a need to address the potential future uses of DNA that may benefit citizens of this state, for purposes of the health, safety, and welfare of its citizens.

NEW SECTION. Sec. 7. A DNA commission is established to consist of twenty-four members selected as follows:

- (1)(a) Two members of the senate, appointed by the president of the senate, one from each of the two largest caucuses; and
- (b) Two members of the house of representatives, appointed by the co-speakers of the house of representatives, one from each of the two largest caucuses;
- (2) The following members shall be appointed by the governor:
 - (a) Two members representing local public health;
 - (b) One member representing genetic counselors;
 - (c) One member representing clinical research;
 - (d) One member representing epidemiological research;
 - (e) One member representing the Human Genome project;
 - (f) One member representing genetic ethics;
 - (g) One member representing institutional review boards;
 - (h) Two members representing geneticists, one clinical and one research;
 - (i) One member representing research institutions;
 - (j) One member representing civil rights advocates;
 - (k) Two members representing criminal justice and corrections;
 - (l) Two members representing privacy advocates;
 - (m) One member representing citizens who have undergone genetic testing;
 - (n) One member representing hospitals;
 - (o) One member representing pathologists or laboratory medicine; and
 - (p) One member representing biotechnologists.

The commission shall be appointed within forty-five days from the effective date of this act. Staffing shall be provided by the legislature. Members shall serve without remuneration, except costs may be provided according to the provisions of RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 8. The DNA commission shall:

- (1) Develop a state-wide strategy for evaluating and recommending public policies relating to the use of DNA;
- (2) Conduct a survey and produce a resource guide for citizens relating to the use of DNA;
- (3) Evaluate methods for protecting an individual's privacy interests in his or her DNA;
- (4) Analyze the incidence of discriminatory actions state-wide based upon genetic information;
- (5) Develop recommendations relative to civil rights' protections as they relate to genetic information;
- (6) Analyze available remedies to compensate individuals for the inappropriate use of their genetic information;
- (7) Identify appropriate disincentives to improper use of DNA;
- (8) Identify incentives for further research and development in the area of DNA that promotes public health, safety, and welfare; and
- (9) An initial report of its findings and recommendations shall be provided to the appropriate committees of the legislature by July 1, 2001.

NEW SECTION. Sec. 9. A new section is added to chapter 43.131 RCW to read as follows:

The DNA commission and its powers and duties shall be terminated on June 30, 2005, as provided in section 10 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2006.

- (1) Section 6 of this act;
- (2) Section 7 of this act; and
- (3) Section 8 of this act.

Sec. 11. RCW 70.24.084 and 1999 c 391 s 4 are each amended to read as follows:

(1) Any person aggrieved by a violation of this chapter shall have a right of action in superior court and may recover for each violation:

(a) Against any person who negligently violates a provision of this chapter, one thousand dollars, or actual damages, whichever is greater, for each violation.

(b) Against any person who intentionally or recklessly violates a provision of this chapter, ten thousand dollars, or actual damages, whichever is greater, for each violation.

(c) Reasonable attorneys' fees and costs.

(d) Such other relief, including an injunction, as the court may deem appropriate.

(2) Any action under this chapter is barred unless the action is commenced within three years after the cause of action accrues.

(3) Nothing in this chapter limits the rights of the subject of a test for a sexually transmitted disease to recover damages or other relief under any other applicable law.

(4) Nothing in this chapter may be construed to impose civil liability or criminal sanction for disclosure of a test result for a sexually transmitted disease in accordance with any reporting requirement for a diagnosed case of sexually transmitted disease by the department or the centers for disease control of the United States public health service.

(5) It is a negligent violation of this chapter to cause an unauthorized communication of confidential sexually transmitted disease information by facsimile transmission or otherwise communicating the information to an unauthorized recipient when the sender knew or had reason to know the facsimile transmission telephone number or other transmittal information was incorrect or outdated.

Sec. 12. RCW 70.02.150 and 1991 c 335 s 701 are each amended to read as follows:

A health care provider shall effect reasonable safeguards for the security of all health care information it maintains.

Reasonable safeguards shall include affirmative action to delete outdated and incorrect facsimile transmission or other telephone transmittal numbers from computer, facsimile, or other data bases."

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "amending RCW 70.02.010, 49.60.030, 70.83.050, 70.24.084, and 70.02.150; adding a new section to chapter 70.02 RCW; adding a new section to chapter 48.01 RCW; adding new sections to chapter 43.131 RCW; and creating new sections."

and the same are herewith transmitted.

Tony M. Cook, Secretary

POINT OF ORDER

Representative Parlette requested a Scope & Object ruling on the Senate amendments.

There being no objection, the House deferred action on House Bill No. 2861.

There being no objection, the House did not concur in the Senate Amendment(s) to House Bill No. 2595 and asked the Senate to recede therefrom. (For amendments, see Journal, 55th Day, March 4, 2000).

SIGNED BY THE SPEAKERS

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1572,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2109,

SUBSTITUTE HOUSE BILL NO. 2320,
SUBSTITUTE HOUSE BILL NO. 2321,
HOUSE BILL NO. 2333,
HOUSE BILL NO. 2339,
ENGROSSED HOUSE BILL NO. 2340,
HOUSE BILL NO. 2375,
SUBSTITUTE HOUSE BILL NO. 2398,
SUBSTITUTE HOUSE BILL NO. 2399,
HOUSE BILL NO. 2403,
HOUSE BILL NO. 2407,
HOUSE BILL NO. 2459,
HOUSE BILL NO. 2515,
HOUSE BILL NO. 2536,
ENGROSSED HOUSE BILL NO. 2565,
SUBSTITUTE HOUSE BILL NO. 2587,
HOUSE BILL NO. 2612,
SUBSTITUTE HOUSE BILL NO. 2633,
HOUSE BILL NO. 2650,
HOUSE BILL NO. 2657,
ENGROSSED HOUSE BILL NO. 2713,
SUBSTITUTE HOUSE BILL NO. 2721,
HOUSE BILL NO. 2775,
SUBSTITUTE HOUSE BILL NO. 2792,
HOUSE BILL NO. 2851,
HOUSE BILL NO. 2868,
ENGROSSED HOUSE BILL NO. 2881,
SUBSTITUTE HOUSE BILL NO. 2886,

ENGROSSED HOUSE BILL NO. 2952,
HOUSE BILL NO. 3005,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3045,
SUBSTITUTE SENATE BILL NO. 5330,
SUBSTITUTE SENATE BILL NO. 5590,
SUBSTITUTE SENATE BILL NO. 5805,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6067,
SUBSTITUTE SENATE BILL NO. 6115,
SENATE BILL NO. 6121,
SENATE BILL NO. 6123,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6149,
SENATE BILL NO. 6160,
SENATE BILL NO. 6172,
SUBSTITUTE SENATE BILL NO. 6213,
SUBSTITUTE SENATE BILL NO. 6233,
SENATE BILL NO. 6251,
SUBSTITUTE SENATE BILL NO. 6260,
SENATE BILL NO. 6285,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6295,
SUBSTITUTE SENATE BILL NO. 6351,
SUBSTITUTE SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6373,
SUBSTITUTE SENATE BILL NO. 6375,
SUBSTITUTE SENATE BILL NO. 6382,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6389,
SUBSTITUTE SENATE BILL NO. 6589,
SENATE BILL NO. 6602,

SUBSTITUTE SENATE BILL NO. 6644,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6683,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6732,
SUBSTITUTE SENATE BILL NO. 6740,
SENATE BILL NO. 6748,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6761,
SENATE BILL NO. 6770,
ENGROSSED SENATE JOINT MEMORIAL NO. 8015,
SENATE JOINT MEMORIAL NO. 8021,
SENATE JOINT MEMORIAL NO. 8022,
SENATE JOINT MEMORIAL NO. 8027,
SENATE JOINT RESOLUTION NO. 8214,

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed Engrossed House Bill No. 2648 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.07.290 and 1998 c 245 s 86 are each amended to read as follows:

(1) The Washington quality award council shall be organized as a private, nonprofit corporation, in accordance with chapter 24.03 RCW and this section ~~((, with limited staff assistance by the secretary of state as provided by RCW 43.07.295)).~~

(2) The council shall oversee the governor's Washington state quality ~~((achievement))~~ award program. The purpose of the program is to improve the overall competitiveness of the state's economy by stimulating Washington state industries, business, and organizations to bring about measurable success through setting standards of organizational excellence, encouraging organizational self-assessment, identifying successful organizations as role models, and providing a valuable mechanism for promoting and strengthening a commitment to continuous quality improvement in all sectors of the state's economy. The ~~((program))~~ governor shall annually ~~((recognize))~~ present the award to organizations that improve the quality of their products and services and are noteworthy examples of high-performing work organizations, as determined by the council in consultation with the governor or appointed representative.

(3) ~~The ~~((council shall consist of the governor and the secretary of state, or their designees, as chair and vice chair, respectively, the director of the department of community, trade, and economic development, or his or her designee, and twenty-seven members appointed by the))~~ governor shall appoint a representative to serve on the board of directors of the council. ~~((Those twenty-seven council members must be selected from recognized professionals who shall have backgrounds in or experience with effective quality improvement techniques, employee involvement quality of work life initiatives, development of innovative labor management relations, and other recognized leaders in state and local~~~~

~~government and private business. The membership of the board beyond the chair and vice chair shall be appointed by the governor for terms of three years.)~~

~~(4) The council shall establish a board of examiners, a recognition committee, and such other ((subcouncil groups)) committees or subgroups as it deems appropriate to carry out its responsibilities. ((Subcouncil groups established by the council may be composed of noncouncilmembers.))~~

~~(5) ((The council shall compile a list of resources available for organizations interested in productivity improvement, quality techniques, effective methods of work organization, and upgrading work force skills as a part of the quality for Washington state foundation's ongoing educational programs. The council shall make the list of resources available to the general public.~~

~~(6)) The council may conduct such public information, research, education, and assistance programs as it deems appropriate to further quality improvement in organizations operating in the state of Washington.~~

~~((7))~~ (6) The council shall:

(a) Approve and announce ((achievement)) award recipients;

(b) Approve guidelines to examine applicant organizations;

(c) Approve appointment of ((judges and)) board of examiners; and

~~(d) Arrange appropriate annual awards and recognition for recipients((, in conjunction with the quality for Washington state foundation;~~

~~(e) Formulate recommendations for change in the nomination form or award categories, in cooperation with the quality for Washington state foundation; and~~

~~(f) Review any related education, training, technology transfer, and research initiatives proposed to it, and that it determines merit such a review.~~

~~(8) By January 1st of each even numbered year, the council may report to the governor and the appropriate committees of the legislature on its activities in the proceeding two years and on any recommendations in state policies or programs that could encourage quality improvement and the development of high performance work organizations.~~

~~(9) The council shall cease to exist on July 1, 1999, unless otherwise extended by law).~~

NEW SECTION. Sec. 2. RCW 43.07.295 (Washington quality award council-- Administrative assistance) and 1997 c 329 s 2 are each repealed.

NEW SECTION. Sec. 3. RCW 43.07.290, as amended by this act, is recodified as a section in chapter 43.06 RCW."

On page 1, line 1 of the title, after "awards;" strike the remainder of the title and insert "amending RCW 43.07.290; adding a new section to chapter 43.06 RCW; recodifying RCW 43.07.290; and repealing RCW 43.07.295."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Engrossed House Bill No. 2648 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2807 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.14A.020 and 1994 sp.s. c 7 s 102 are each amended to read as follows:

State efforts shall address the needs of children and their families, including emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Ensuring that appropriate social and health services are provided to the family unit both prior to and during the removal of a child from the home and after family reunification;

(3) Ensuring that the safety and best interests of the child are the paramount considerations when making placement and service delivery decisions;

(4) Recognizing the interdependent and changing nature of families and communities, building upon their inherent strengths, maintaining their dignity and respect, and tailoring programs to their specific circumstances;

(5) Developing and implementing comprehensive, preventive, and early intervention social and health services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic or severe;

(6) Authorizing and facilitating blended funding for children who require services and residential treatment from multiple services systems; including child welfare services, mental health, alcohol and drug, and juvenile rehabilitation;

(7) Being sensitive to the family and community culture, norms, values, and expectations, ensuring that all services are provided in a culturally appropriate and relevant manner, and ensuring participation of racial and ethnic minorities at all levels of planning, delivery, and evaluation efforts;

~~((7))~~ (8)(a) Developing coordinated social and health services which:

(i) Identify problems experienced by children and their families early and provide services which are adequate in availability, appropriate to the situation, and effective;

(ii) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;

(iii) Serve children and families in their own homes thus preventing unnecessary out-of-home placement or institutionalization;

(iv) Focus resources on social and health problems as they begin to manifest themselves rather than waiting for chronic and severe patterns of illness, criminality, and dependency to develop which require long-term treatment, maintenance, or custody;

(v) Reduce duplication of and gaps in service delivery;

(vi) Improve planning, budgeting, and communication among all units of the department and among all agencies that serve children and families; and

(vii) Utilize outcome standards for measuring the effectiveness of social and health services for children and families.

(b) In developing services under this subsection, local communities must be involved in planning and developing community networks that are tailored to their unique needs.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.14A RCW to read as follows:

The secretary of the department of social and health services shall charge appropriated funds to support blended funding projects for youth subject to any current or future waiver the department receives to the requirements of IV-E funding. To be eligible for blended funding a child must be eligible for services designed to address a behavioral, mental, emotional, or substance abuse issue from the department of social and health services and require services from more than one categorical service delivery system. Before any blended funding project is established by the secretary, he or she must obtain approval from the public health and safety network or networks established in the catchment area of the project. The network or networks shall not approve services to be delivered to a specific child. The network shall review the proposed blended funding project pursuant to its authority to examine the decategorization of program funds under RCW 70.190.110, within the current appropriation level. The department shall document the number of children who participate in blended funding projects, the total blended funding amounts per child, the amount charged to each

appropriation by program, and services provided to each child through each blended funding project and report this information to the appropriate committees of the legislature by December 1st of each year, beginning in December 1, 2000.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2000."

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 74.14A.020; adding a new section to chapter 74.14A RCW; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to House Bill No. 2807 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2912 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of social and health services shall report to the appropriate legislative committees the following information regarding children in out-of-home care during calendar year 1999:

- (a) The number of children receiving medication;
 - (b) The number of children who were not receiving medication before entering out-of-home care, who were prescribed medication during an out-of-home care episode;
 - (c) The medical diagnosis for all children on prescribed medications;
 - (d) The number, types, and frequency of medications prescribed to children;
 - (e) The number of children receiving multiple medications;
 - (f) The number of children prescribed Ritalin; and
 - (g) The total number of children in out-of-home care during calendar year 1999, and the number of those children receiving medication.
- (2) For purposes of this section, "medication" means psychotropic medication or other medication prescribed to address psychiatric or other behavioral issues.
- (3) The report is due to the legislature on or before December 15, 2000."

On page 1, line 2 of the title, after "custody;" strike the remainder of the title and insert "and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Substitute House Bill No. 2912 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2510 with the following amendment(s)
Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.127.010 and 1999 c 190 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means an individual responsible for managing the operation of an agency.

(2) "Department" means the department of health.

~~((2))~~ (3) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, and related services that support the plan of care provided in home health and hospice agencies.

(4) "Family" means individuals who are important to, and designated by, the patient or client and who need not be relatives.

(5) "Home care agency" means a ~~((private or public agency or organization that administers or provides))~~ person administering or providing home care services directly or through a contract arrangement to ~~((ill, disabled, or infirm persons))~~ individuals in places of temporary or permanent residence.

~~((3))~~ (6) "Home care services" means ~~((personal care services, homemaker services, respite care services, or any other))~~ nonmedical services and assistance provided to ill, disabled, ~~((or))~~ infirm ~~((persons which services enable these persons to remain in their own residences consistent with their desires, abilities, and safety)), or vulnerable individuals that enable them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding, and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical services.~~

~~((4))~~ (7) "Home health agency" means a ~~((private or public agency or organization that administers or provides home health aide services or))~~ person administering or providing two or more home health services directly or through a contract arrangement to ~~((ill, disabled, or infirm persons))~~ individuals in places of temporary or permanent residence. ~~((A private or public agency or organization that administers or provides))~~ A person administering or providing nursing services only may elect to be designated a home health agency for purposes of licensure.

~~((5))~~ (8) "Home health services" means ~~((health or medical))~~ services provided to ill, disabled, ~~((or))~~ infirm ~~((persons)), or vulnerable individuals. These services ~~((may be of an acute or maintenance care nature, and))~~ include but are not limited to nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, and home medical supplies or equipment services.~~

~~((6))~~ (9) "Home health aide services" means services provided by a home health agency or a hospice agency under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract to a home health or hospice agency. Such care includes ambulation and exercise, assistance with self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services.

~~((7))~~ "Homemaker services" means services that assist ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management.

~~(8))~~ (10) "Home medical supplies" or "equipment services" means diagnostic, treatment, and monitoring equipment and supplies provided for the direct care of individuals within a plan of care.

(11) "Hospice agency" means a ~~((private or public agency or organization))~~ person administering or providing hospice ~~((care))~~ services directly or through a contract arrangement to ~~((terminally ill persons))~~ individuals in places of temporary or permanent residence ~~((by using))~~ under the direction of an interdisciplinary team composed of at least ((nursing)) a nurse, social ((work)) worker, physician, ((and pastoral or)) spiritual ((counseling)) counselor, and a volunteer.

~~((9))~~ (12) "Hospice care center" means a homelike, noninstitutional facility where hospice services are provided, and that meets the requirements for operation under section 21 of this act.

(13) "Hospice ((care)) services" means~~((:-(a) Palliative care))~~ symptom and pain management provided to a terminally ill ((person)) individual, and emotional, spiritual, and bereavement support for the individual and family in a place of temporary or permanent residence ((that alleviates physical symptoms, including pain, as well as alleviates the emotional and spiritual discomfort associated with dying; and (b) bereavement care provided to the family of a terminally ill person that alleviates the emotional and spiritual discomfort associated with the death of a family member. Hospice care)), and may include the provision of home health and ((medical services and personal care, respite, or homemaker services. Family means individuals who are important to and designated by the patient, and who need not be relatives.

(10) "Ill, disabled, or infirm persons" means persons who need home health, hospice, or home care services in order to maintain themselves in their places of temporary or permanent residence.

(11) "Personal care services" means services that assist ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self care.

(12) "Public or private agency or organization" means an entity that employs or contracts with two or more persons who provide care in the home.

(13) "Respite care services" means services that assist or support the primary care giver on a ~~scheduled basis))~~ home care services for the terminally ill individual.

(14) "In-home services agency" means a person licensed to administer or provide home health, home care, hospice services, or hospice care center services directly or through a contract arrangement to individuals in a place of temporary or permanent residence.

(15) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private agency or organization, or the legal successor thereof that employs or contracts with two or more individuals.

(16) "Plan of care" means a written document based on assessment of individual needs that identifies services to meet these needs.

(17) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(18) "Service area" means the geographic area in which the department has given prior approval to a licensee to provide home health, hospice, or home care services.

(19) "Survey" means an inspection conducted by the department to evaluate and monitor an agency's compliance with this chapter.

Sec. 2. RCW 70.127.020 and 1988 c 245 s 3 are each amended to read as follows:

(1) After July 1, 1990, ~~((no private or public agency or organization may))~~ a license is required for a person to advertise, operate, manage, conduct, open, or maintain ((a home health agency without first obtaining a home health agency license from the department)) an in-home services agency.

(2) ~~((After July 1, 1990, no private or public agency or organization may advertise, operate, manage, conduct, open, or maintain a hospice agency without first obtaining a hospice agency license from the department.~~

~~(3) After July 1, 1990, no public or private agency or organization may advertise, operate, manage, conduct, open, or maintain a home care agency without first obtaining a home care agency license from the department.)~~ An in-home services agency license is required for a nursing home, hospital, or other person that functions as a home health, hospice, hospice care center, or home care agency.

Sec. 3. RCW 70.127.030 and 1988 c 245 s 4 are each amended to read as follows:

It is unlawful for any person to use the words:

(1) ~~((No person may use the words))~~ "Home health agency," "home health care services," ~~((or))~~ "visiting nurse services," "home health," or "home health services" in its corporate or business name, or advertise using such words unless licensed ~~((as a home health agency))~~ to provide those services under this chapter((-));

(2) ~~((No person may use the words))~~ "Hospice agency," ~~((or))~~ "hospice," "hospice services," "hospice care," or "hospice care center" in its corporate or business name, or advertise using such words unless licensed ~~((as a hospice agency))~~ to provide those services under this chapter((-));

(3) ~~((No person may use the words))~~ "Home care agency," ~~((or))~~ "home care services," or "home care" in its corporate or business name, or advertise using such words unless licensed ~~((as a home care agency))~~ to provide those services under this chapter((-)); or

(4) "In-home services agency," "in-home services," or any similar term to indicate that a person is a home health, home care, hospice care center, or hospice agency in its corporate or business name, or advertise using such words unless licensed to provide those services under this chapter.

Sec. 4. RCW 70.127.040 and 1993 c 42 s 2 are each amended to read as follows:

The following are not subject to regulation for the purposes of this chapter:

(1) A family member providing home health, hospice, or home care services;

(2) ~~((An organization that))~~ A person who provides only meal services in ((a person's)) an individual's permanent or temporary residence;

(3) ~~((Entities))~~ An individual providing home care through a direct agreement with a recipient of care in an individual's permanent or temporary residence;

(4) A person furnishing ((durable)) or delivering home medical supplies or equipment that does not involve the ((delivery)) provision of ((professional)) services beyond those necessary to deliver, set up, and monitor the proper functioning of the equipment and educate the user on its proper use;

~~((4))~~ (5) A person who provides services through a contract with a licensed agency;

~~((5))~~ (6) An employee or volunteer of a licensed agency who provides services only as an employee or volunteer;

~~((6))~~ (7) Facilities and institutions, including but not limited to nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41 RCW, adult family homes under chapter 70.128 RCW, boarding homes under chapter 18.20 RCW, developmental disability residential programs under chapter 71.12 RCW, other entities licensed under chapter 71.12 RCW, or other licensed facilities and institutions, only when providing services to persons residing within the facility or institution ((if the delivery of the services is regulated by the state;

~~((7) Persons));~~

(8) Local and combined city-county health departments providing services under chapters 70.05 and 70.08 RCW;

(9) An individual providing care to ill, disabled ((persons)), infirm, or vulnerable individuals through a contract with the department of social and health services;

~~((8))~~ (10) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;

~~((9))~~ (11) In-home assessments of an ill, disabled, vulnerable, or infirm ((person's ability to adapt to the home environment)) individual that does not result in regular ongoing care at home;

~~((10))~~ (12) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents;

~~((11))~~ (13) A medicare-approved dialysis center operating a medicare-approved home dialysis program;

~~((12))~~ (14) A person providing case management services ((which do not include the direct delivery of home health, hospice, or home care services)). For the purposes of this subsection, "case management" means the assessment, coordination, authorization, planning, training, and monitoring of

home health, hospice, and home care, and does not include the direct provision of care to an individual;

~~((13))~~ (15) Pharmacies licensed under RCW 18.64.043 that deliver prescription drugs and durable medical equipment that does not involve the use of professional services beyond those authorized to be performed by licensed pharmacists pursuant to chapter 18.64 RCW and those necessary to set up and monitor the proper functioning of the equipment and educate the person on its proper use;

(16) A volunteer hospice complying with the requirements of RCW 70.127.050; and

(17) A person who provides home care services without compensation.

Sec. 5. RCW 70.127.050 and 1993 c 42 s 3 are each amended to read as follows:

(1) An entity that provides hospice care without receiving compensation for delivery of any of its services is exempt from licensure pursuant to RCW 70.127.020~~((2))~~ (1) if it notifies the department, on forms provided by the department, of its name, address, name of owner, and a statement affirming that it provides hospice care without receiving compensation for delivery of any of its services. This form must be filed with the department ~~((within sixty days after June 30, 1993, or))~~ within sixty days after being informed in writing by the department of this requirement for obtaining exemption from licensure under this chapter.

(2) For the purposes of this section, it is not relevant if the entity compensates its staff. For the purposes of this section, the word "compensation" does not include donations.

(3) Notwithstanding the provisions of RCW 70.127.030(2), an entity that provides hospice care without receiving compensation for delivery of any of its services is allowed to use the phrase "volunteer hospice."

(4) Nothing in this chapter precludes an entity providing hospice care without receiving compensation for delivery of any of its services from obtaining a hospice license if it so chooses, but that entity would be exempt from the requirements set forth in RCW 70.127.080(1)(d) ~~((and (e)))~~.

Sec. 6. RCW 70.127.080 and 1999 c 190 s 2 are each amended to read as follows:

(1) An applicant for ~~((a home health, hospice, or home care))~~ an in-home services agency license shall:

(a) File a written application on a form provided by the department;

(b) Demonstrate ability to comply with this chapter and the rules adopted under this chapter;

(c) Cooperate with on-site ~~((review))~~ survey conducted by the department ~~((prior to licensure or renewal))~~ except as provided in RCW 70.127.085;

(d) Provide evidence of and maintain professional liability, public liability, and property damage insurance ~~((in the amount of one hundred thousand dollars per occurrence or adequate self-insurance as approved by the department))~~ in an amount established by the department, based on industry standards. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;

~~((Provide evidence of and maintain public liability and property damage insurance coverage in the sum of fifty thousand dollars for injury or damage to property per occurrence and fifty thousand dollars for injury or damage, including death, to any one person and one hundred thousand dollars for injury or damage, including death, to more than one person, or evidence of adequate self-insurance for public liability and property damage as approved by the department. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;~~

~~((f))~~ Provide ~~((such proof as the department may require concerning))~~ documentation of an organizational structure, and the identity of the applicant, officers, administrator, directors of clinical services, partners, managing employees, or owners of ten percent or more of the applicant's assets;

~~((g))~~ (f) File with the department for approval a description of the service area in which the applicant will operate and a description of how the applicant intends to provide management and supervision of services throughout the service area. The department shall adopt rules necessary to establish criteria for approval that are related to appropriate management and supervision of services throughout the service area. In developing the rules, the department may not establish criteria that:

- (i) Limit the number or type of agencies in any service area; or
 - (ii) Limit the number of persons any agency may serve within its service area unless the criteria are related to the need for trained and available staff to provide services within the service area;
 - ~~((h))~~ (g) File with the department a list of the home health, hospice, and home care services ~~((offered))~~ provided directly and under contract;
 - ~~((i))~~ (h) Pay to the department a license fee as provided in RCW 70.127.090; ~~((and~~
 - ~~((j))~~ (i) Comply with RCW 43.43.830 through 43.43.842 for criminal background checks; and
 - (j) Provide any other information that the department may reasonably require.
- (2) A certificate of need under chapter 70.38 RCW is not required for licensure except for the operation of a hospice care center.
- ~~((3) A license or renewal shall not be granted pursuant to this chapter if the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets, within the last five years have been found in a civil or criminal proceeding to have committed any act which reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another.-))~~

Sec. 7. RCW 70.127.085 and 1993 c 42 s 11 are each amended to read as follows:

- (1) Notwithstanding the provisions of RCW 70.127.080(1)(c), ~~((a home health or hospice agency))~~ an in-home services agency that is certified by the federal medicare program, or accredited by the community health accreditation program, or the joint commission on accreditation of health care organizations as a home health or hospice agency ~~((shall be granted the applicable renewal license, without necessity of))~~ is not subject to a state licensure ((on-site)) survey if:
- (a) The department determines that the applicable survey standards of the certification or accreditation program are substantially equivalent to those required by this chapter;
 - (b) An on-site survey has been conducted for the purposes of certification or accreditation during the previous twenty-four months; and
 - (c) The department receives directly from the certifying or accrediting entity or from the licensee applicant copies of the initial and subsequent survey reports and other relevant reports or findings that indicate compliance with licensure requirements.
- (2) Notwithstanding the provisions of RCW 70.127.080(1)(c), ~~((a home care agency))~~ an in-home services agency providing services under contract with the department of social and health services or area agency on aging to provide home care services and that is monitored by the department of social and health services or area agency on aging ~~((shall be granted a renewal license, without necessity of an on-site))~~ is not subject to a state licensure survey by the department of health if:
- (a) The department determines that the department of social and health services or an area agency on aging monitoring standards are substantially equivalent to those required by this chapter;
 - (b) An on-site monitoring has been conducted by the department of social and health services or an area agency on aging during the previous twenty-four months;
 - (c) The department of social and health services or an area agency on aging includes in its monitoring a sample of private pay clients, if applicable; and
 - (d) The department receives directly from the department of social and health services copies of monitoring reports and other relevant reports or findings that indicate compliance with licensure requirements.
- (3) The department retains authority to survey those services areas not addressed by the national accrediting body, department of social and health services, or an area agency on aging.
- (4) In reviewing the federal, the joint commission on accreditation of health care organizations, the community health accreditation program, or the department of social and health services survey standards for substantial equivalency to those set forth in this chapter, the department is directed to provide the most liberal interpretation consistent with the intent of this chapter. In the event the department determines at any time that the survey standards are not substantially equivalent to those required by this chapter, the department is directed to notify the affected licensees. The notification shall contain a detailed description of the deficiencies in the alternative survey process, as well as an explanation concerning the risk to the consumer. The determination of substantial equivalency for

alternative survey process and lack of substantial equivalency are agency actions and subject to RCW 34.05.210 through 34.05.395 and 34.05.510 through ~~((34.05.680))~~ 34.05.675.

~~((4) Agencies receiving a license without necessity of an on-site survey by the department under this chapter shall pay the same licensure or transfer fee as other agencies in their licensure category. It is the intent of this section that the licensure fees for all agencies will be lowered by the elimination of the duplication that currently exists.))~~

(5) ~~((In order to avoid unnecessary costs,))~~ The department is ~~((not))~~ authorized to perform a validation survey ~~((if it is also the agency performing the certification or accreditation survey. Where this is not the case,))~~ on in-home services agencies who previously received a survey through accreditation or contracts with the department of social and health services or an area agency on aging under subsection (2) of this section. The department is authorized to perform a validation survey on no greater than ~~((five))~~ ten percent of each type of certification or accreditation survey.

(6) This section does not affect the department's enforcement authority for licensed agencies.

Sec. 8. RCW 70.127.090 and 1999 c 190 s 3 are each amended to read as follows:

(1) Application and renewal fee: An application for a license or any renewal shall be accompanied by a fee as established by the department under RCW 43.70.250. The department shall adopt by rule licensure fees based on a sliding scale using such factors as the number of agency full-time equivalents, geographic area served, number of locations, or type and volume of services provided. For agencies receiving a licensure survey that requires more than two on-site ~~((reviews))~~ surveys by the department per licensure period, an additional fee as determined by the department by rule shall be charged for each additional on-site ~~((review))~~ survey. ~~((The department shall charge a reasonable fee for processing changes in ownership.))~~ The department may set different licensure fees for each licensure category. Agencies receiving a license without necessity of an on-site survey by the department under this chapter shall pay the same licensure or transfer fee as other agencies in their licensure category.

(2) Change of ownership fee: The department shall charge a reasonable fee for processing changes in ownership. The fee for transfer of ownership may not exceed fifty percent of the base licensure fee.

(3) Late fee: The department may establish a late fee for failure to apply for licensure or renewal as required by this chapter.

Sec. 9. RCW 70.127.100 and 1993 c 42 s 6 are each amended to read as follows:

Upon receipt of an application under RCW 70.127.080 for a license and the license fee, the department shall issue a license if the applicant meets the requirements established under this chapter. A license issued under this chapter shall not be transferred or assigned without thirty days prior notice to the department and the department's approval. A license, unless suspended or revoked, is effective for a period of two years, however an initial license is only effective for twelve months. The department shall conduct ~~((an on-site review))~~ a survey within each licensure period~~((The department))~~ and may conduct a licensure survey after ownership transfer. ~~((The fee for this survey may not exceed fifty percent of the base licensure fee. The department may establish penalty fees for failure to apply for licensure or renewal as required by this chapter.))~~

Sec. 10. RCW 70.127.120 and 1993 c 42 s 8 are each amended to read as follows:

The department shall adopt rules consistent with RCW 70.127.005 necessary to implement this chapter under chapter 34.05 RCW. In order to ensure safe and adequate care, the rules shall address at a minimum the following:

- (1) Maintenance and preservation of all records relating directly to the care and treatment of ~~((persons))~~ individuals by licensees;
- (2) Establishment and implementation of a procedure for the receipt, investigation, and disposition of complaints ~~((by the department))~~ regarding services provided ~~((by licensees))~~;
- (3) Establishment and implementation of a plan for ~~((on-going))~~ ongoing care of ~~((persons))~~ individuals and preservation of records if the licensee ceases operations;
- (4) Supervision of services;

(5) ~~((Maintenance))~~ Establishment and implementation of written policies regarding response to referrals and access to services ~~((at all times))~~;

(6) ~~((Maintenance))~~ Establishment and implementation of written personnel policies ~~((and))~~, procedures and personnel records for paid staff that provide for ~~((rehire))~~ prehire screening, minimum qualifications, regular performance evaluations, including observation in the home, participation in orientation and in-service training, and involvement in quality ~~((assurance))~~ improvement activities. The department may not establish experience or other qualifications for agency personnel or contractors beyond that required by state law;

(7) ~~((Maintenance))~~ Establishment and implementation of written policies and procedures for volunteers ~~((that))~~ who have direct patient/client contact and that provide for background and health screening, orientation, and supervision; ~~((and))~~

(8) ~~((Maintenance))~~ Establishment and implementation of written policies ~~((on))~~ for obtaining regular reports on patient satisfaction;

(9) Establishment and implementation of a quality improvement process; and

(10) Establishment and implementation of policies related to the delivery of care including:

(a) Plan of care for each individual served;

(b) Periodic review of the plan of care;

(c) Supervision of care and clinical consultation as necessary;

(d) Care consistent with the plan;

(e) Admission, transfer, and discharge from care; and

(f) For hospice services:

(i) Availability of twenty-four hour seven days a week hospice registered nurse consultation and in-home services as appropriate;

(ii) Interdisciplinary team communication as appropriate and necessary; and

(iii) The use and availability of volunteers to provide family support and respite care.

Sec. 11. RCW 70.127.125 and 1993 c 42 s 7 are each amended to read as follows:

The department is directed to continue to develop, with opportunity for comment from licensees, interpretive guidelines that are specific to each type of ~~((license))~~ service and consistent with legislative intent.

Sec. 12. RCW 70.127.140 and 1988 c 245 s 15 are each amended to read as follows:

(1) ~~((A licensee))~~ An in-home services agency shall provide each ~~((person))~~ individual or designated representative with a written bill of rights affirming each ~~((person's))~~ individual's right to:

(a) A listing of the in-home services offered by the in-home services agency and those being provided;

(b) The name of the ~~((person))~~ individual supervising the care and the manner in which that ~~((person))~~ individual may be contacted;

(c) A description of the process for submitting and addressing complaints;

(d) Submit complaints without retaliation and to have the complaint addressed by the agency;

(e) Be informed of the state complaint hotline number;

(f) A statement advising the ~~((person))~~ individual or representative of the right to ~~((participate))~~ ongoing participation in the development of the plan of care;

~~((e))~~ (g) A statement providing that the ~~((person))~~ individual or representative is entitled to information regarding access to the department's ~~((registry))~~ listing of providers and to select any licensee to provide care, subject to the ~~((patient's))~~ individual's reimbursement mechanism or other relevant contractual obligations;

~~((f))~~ (h) Be treated with courtesy, respect, privacy, and freedom from abuse and discrimination;

~~((g))~~ (i) Refuse treatment or services;

~~((h))~~ Have patient records be confidential; and

~~((i))~~ Have (j) Have property treated with respect;

(k) Privacy of personal information and confidentiality of health care records;

(l) Be cared for by properly trained staff ~~((and))~~ with coordination of services;

(m) A fully itemized billing statement upon request, including the date of each service and the charge. Licensees providing services through a managed care plan shall not be required to provide itemized billing statements; and

(n) Be informed about advanced directives and the agency's responsibility to implement them.

(2) ((Upon request, a licensee shall provide each person or designated representative with a fully itemized billing statement at least monthly, including the date of each service and the charge. Licensees providing services through a managed care plan shall not be required to provide itemized billing statements.)) An in-home services agency shall ensure rights under this section are implemented and updated as appropriate.

Sec. 13. RCW 70.127.150 and 1988 c 245 s 16 are each amended to read as follows:

No licensee, contractee, or employee may hold a durable power of attorney on behalf of any ~~((person))~~ individual who is receiving care from the licensee.

Sec. 14. RCW 70.127.170 and 1988 c 245 s 18 are each amended to read as follows:

Pursuant to chapter 34.05 RCW and RCW 70.127.180(3), the department may deny, restrict, condition, modify, suspend, or revoke a license under this chapter or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, or require a refund of any amounts billed to, and collected from, the consumer or third-party payor in any case in which it finds that the licensee, or any applicant, officer, director, partner, managing employee, or owner of ten percent or more of the applicant's or licensee's assets:

(1) Failed or refused to comply with the requirements of this chapter or the standards or rules adopted under this chapter;

(2) Was the holder of a license issued pursuant to this chapter that was revoked for cause and never reissued by the department, or that was suspended for cause and the terms of the suspension have not been fulfilled and the licensee has continued to operate;

(3) Has knowingly or with reason to know made a misrepresentation of, false statement of, or failed to disclose, a material fact to the department in ~~((the))~~ an application for the license or any data attached thereto or in any record required by this chapter or matter under investigation by the department, or during a survey, or concerning information requested by the department;

(4) Refused to allow representatives of the department to inspect any book, record, or file required by this chapter to be maintained or any portion of the licensee's premises;

(5) Willfully prevented, interfered with, or attempted to impede in any way the work of any representative of the department and the lawful enforcement of any provision of this chapter. This includes but is not limited to: Willful misrepresentation of facts during a survey, investigation, or administrative proceeding or any other legal action; or use of threats or harassment against any patient, client, or witness, or use of financial inducements to any patient, client, or witness to prevent or attempt to prevent him or her from providing evidence during a survey or investigation, in an administrative proceeding, or any other legal action involving the department;

(6) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of this chapter or the rules adopted under this chapter;

(7) Failed to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after the assessment becomes final;

(8) Used advertising that is false, fraudulent, or misleading;

(9) Has repeated incidents of personnel performing services beyond their authorized scope of practice; ~~((or))~~

(10) Misrepresented or was fraudulent in any aspect of the conduct of the licensee's business;

(11) Within the last five years, has been found in a civil or criminal proceeding to have committed any act that reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another;

(12) Was the holder of a license to provide care or treatment to ill, disabled, infirm, or vulnerable individuals that was denied, restricted, not renewed, surrendered, suspended, or revoked by a competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order,

stipulation, or agreement is conclusive evidence of the denial, restriction, nonrenewal, surrender, suspension, or revocation;

(13) Violated any state or federal statute, or administrative rule regulating the operation of the agency;

(14) Failed to comply with an order issued by the secretary or designee;

(15) Aided or abetted the unlicensed operation of an in-home services agency;

(16) Operated beyond the scope of the in-home services agency license;

(17) Failed to adequately supervise staff to the extent that the health or safety of a patient or client was at risk;

(18) Compromised the health or safety of a patient or client, including, but not limited to, the individual performing services beyond their authorized scope of practice;

(19) Continued to operate after license revocation, suspension, or expiration, or operating outside the parameters of a modified, conditioned, or restricted license;

(20) Failed or refused to comply with chapter 70.02 RCW;

(21) Abused, neglected, abandoned, or financially exploited a patient or client as these terms are defined in RCW 74.34.020;

(22) Misappropriated the property of an individual;

(23) Is unqualified or unable to operate or direct the operation of the agency according to this chapter and the rules adopted under this chapter;

(24) Obtained or attempted to obtain a license by fraudulent means or misrepresentation; or

(25) Failed to report abuse or neglect of a patient or client in violation of chapter 74.34 RCW.

Sec. 15. RCW 70.127.180 and 1988 c 245 s 19 are each amended to read as follows:

(1) The department may at any time conduct ~~((an on-site review))~~ a survey of all records and operations of a licensee ~~((or conduct in-home visits))~~ in order to determine compliance with this chapter. The department may ~~((also examine and audit records necessary to determine compliance with this chapter))~~ conduct in-home visits to observe patient/client care and services. The right to conduct ~~((an on-site review and audit and examination of records))~~ a survey shall extend to any premises and records of persons whom the department has reason to believe are providing home health, hospice, or home care services without a license.

(2) Following ~~((an on-site review, in-home visit, or audit))~~ a survey, the department shall give written notice of any violation of this chapter or the rules adopted under this chapter. The notice shall describe the reasons for noncompliance ~~((and inform the licensee that it must comply within a specified reasonable time, not to exceed sixty days. If the licensee fails to comply, the licensee is subject to disciplinary action under RCW 70.127.170)).~~

(3) The licensee may be subject to formal enforcement action under RCW 70.127.170 if the department determines: (a) The licensee has previously been subject to a formal enforcement action for the same or similar type of violation of the same statute or rule, or has been given previous notice of the same or similar type of violation of the same statute or rule; (b) the licensee failed to achieve compliance with a statute, rule, or order by the date established in a previously issued notice or order; (c) the violation resulted in actual serious physical or emotional harm or immediate threat to the health, safety, welfare, or rights of one or more individuals; or (d) the violation has a potential for serious physical or emotional harm or immediate threat to the health, safety, welfare, or rights of one or more individuals.

Sec. 16. RCW 70.127.190 and 1988 c 245 s 20 are each amended to read as follows:

All information received by the department through filed reports, ~~((audits, on-site reviews,))~~ surveys, and in-home visits~~((, or as otherwise authorized))~~ conducted under this chapter shall not be disclosed publicly in any manner that would identify ~~((persons))~~ individuals receiving care under this chapter.

Sec. 17. RCW 70.127.200 and 1988 c 245 s 21 are each amended to read as follows:

(1) Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law and upon the advice of the attorney general, who shall represent the

department in the proceedings, maintain an action in the name of the state for an injunction or other process against any person to restrain or prevent the advertising, operating, maintaining, managing, or opening of a home health, hospice, hospice care center, or home care agency without ((a)) an in-home services agency license under this chapter.

(2) The injunction shall not relieve the person operating an in-home services agency without a license from criminal prosecution, or the imposition of a civil fine under section 19(2) of this act, but the remedy by injunction shall be in addition to any criminal liability or civil fine. A person that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be deposited in the department's local fee account. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties. All fines, forfeitures, and penalties collected or assessed by a court because of a violation of RCW 70.127.020 shall be deposited in the department's local fee account.

Sec. 18. RCW 70.127.210 and 1988 c 245 s 22 are each amended to read as follows:

(1) Any person violating RCW 70.127.020 is guilty of a misdemeanor. Each day of a continuing violation is a separate violation.

(2) If any corporation conducts any activity for which a license is required by this chapter without the required license, it may be punished by forfeiture of its corporate charter. All fines, forfeitures, and penalties collected or assessed by a court because of a violation of RCW 70.127.020 shall be deposited in the department's local fee account.

NEW SECTION. Sec. 19. A new section is added to chapter 70.127 RCW to read as follows:

(1) The department may issue a notice of intention to issue a cease and desist order to any person whom the department has reason to believe is engaged in the unlicensed operation of an in-home services agency. The person to whom the notice of intent is issued may request an adjudicative proceeding to contest the charges. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the department may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(2) If the department makes a final determination that a person has engaged or is engaging in unlicensed operation of an in-home services agency, the department may issue a cease and desist order. In addition, the department may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in unlicensed operation of an in-home services agency. The proceeds of such fines shall be deposited in the department's local fee account.

(3) If the department makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the department may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the department. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the department may enter a permanent cease and desist order, which may include a civil fine.

(4) Neither the issuance of a cease and desist order nor payment of a civil fine shall relieve the person so operating an in-home services agency without a license from criminal prosecution, but the remedy of a cease and desist order or civil fine shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed operation and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

NEW SECTION. Sec. 20. A new section is added to chapter 70.127 RCW to read as follows:

The legislature finds that the operation of an in-home services agency without a license in violation of this chapter is a matter vitally affecting the public interest for the purpose of applying the

consumer protection act, chapter 19.86 RCW. Operation of an in-home services agency without a license in violation of this chapter is not reasonable in relation to the development and preservation of business. Such a violation is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 21. A new section is added to chapter 70.127 RCW to read as follows:

(1) Applicants desiring to operate a hospice care center are subject to the following:

(a) The application may only be made by a licensed hospice agency. The agency shall list which of the following service categories will be provided:

- (i) General inpatient care;
- (ii) Continuous home care;
- (iii) Routine home care; or
- (iv) Inpatient respite care;

(b) A certificate of need is required under chapter 70.38 RCW;

(c) A hospice agency may operate more than one hospice care center in its service area;

(d) For hospice agencies that operate a hospice care center, no more than forty-nine percent of patient care days, in the aggregate on a biennial basis, may be provided in the hospice care center;

(e) The maximum number of beds in a hospice care center is twenty;

(f) The maximum number of individuals per room is one, unless the individual requests a roommate;

(g) A hospice care center may either be owned or leased by a hospice agency. If the agency leases space, all delivery of interdisciplinary services, to include staffing and management, shall be done by the hospice agency; and

(h) A hospice care center may either be freestanding or a separate portion of another building.

(2) The department is authorized to develop rules to implement this section. The rules shall be specific to each hospice care center service category provided. The rules shall at least specifically address the following:

(a) Adequate space for family members to visit, meet, cook, share meals, and stay overnight with patients or clients;

(b) A separate external entrance, clearly identifiable to the public when part of an existing structure;

(c) Construction, maintenance, and operation of a hospice care center;

(d) Means to inform the public which hospice care center service categories are provided; and

(e) A registered nurse present twenty-four hours a day, seven days a week for hospice care centers delivering general inpatient services.

(3) Hospice agencies which as of January 1, 2000, operate the functional equivalent of a hospice care center through licensure as a hospital, under chapter 70.41 RCW, shall be exempt from the certificate of need requirement for hospice care centers if they apply for and receive a license as an in-home services agency to operate a hospice home care center by July 1, 2002.

Sec. 22. RCW 70.38.025 and 1997 c 210 s 2 are each amended to read as follows:

When used in this chapter, the terms defined in this section shall have the meanings indicated.

(1) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

(2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement,

expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

(3) "Continuing care retirement community" means an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service. A "continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(4) "Department" means the department of health.

(5) "Expenditure minimum" means, for the purposes of the certificate of need program, one million dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

(6) "Health care facility" means hospices, hospice care centers, hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include any health facility or institution conducted by and for those who rely exclusively upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or any health facility or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; and (c) if not contrary to federal law as necessary to the receipt of federal funds by the state.

(7) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(8) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in federal law.

(9) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services.

(10) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(11) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be established by rule of the department, consistent with federal law.

(12) "Public health" means the level of well-being of the general population; those actions in a community necessary to preserve, protect, and promote the health of the people for which government

is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(13) "Secretary" means the secretary of health or the secretary's designee.

(14) "Tertiary health service" means a specialized service that meets complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

(15) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

NEW SECTION. Sec. 23. A new section is added to chapter 70.38 RCW to read as follows:

All certificate of need applications submitted by hospice agencies for the construction, development, or other establishment of a facility to be licensed as either a hospital under chapter 70.41 RCW or as a nursing home under chapter 18.51 RCW, for the purpose of operating the functional equivalent of a hospice care center shall not require a separate certificate of need for a hospice care center provided the certificate of need application was declared complete prior to July 1, 2001, the applicant has been issued a certificate of need, and has applied for and received an in-home services agency license by July 1, 2002.

Sec. 24. RCW 74.39A.050 and 1999 c 336 s 5 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, resident managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of

abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.

(10) The department shall by rule develop training requirements for individual providers and home care agency providers. Effective March 1, 2002, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules by March 1, 2002, for the implementation of this section in collaboration with providers, consumers, caregivers, advocates, family members, educators, and other interested parties, in the rule-making process, or the community long-term care training and education steering committee, if enacted. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.

(11) In an effort to improve access to training and education, the coordinated system of long-term care training and education must include flexible and innovative learning strategies that accomplish the training goals, such as competency and outcome-based models and distance learning.

(12) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training.

(13) The department shall establish, by rule, training, background checks, and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

~~((12))~~ (14) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

~~((13))~~ (15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

NEW SECTION. Sec. 25. A new section is added to chapter 74.39A RCW to read as follows:

All training curricula and material, except competency testing material, developed by the department and used in part or in whole to improve provider and caregiver knowledge and skill are in the public domain and are subject to public disclosure under chapter 42.17 RCW. Any training curricula and material developed by a private entity and used under contract or by agreement with the

department are also considered part of the public domain and shall be shared subject to any copyright restrictions. It is department's responsibility when making training materials available to the public, to identify which material has copyright or other legal restrictions on its use, and which does not. Any proprietary curricula and material developed by a private entity for training purposes in facilities licensed under chapter 18.20 or 70.128 RCW or individual providers and home care agency providers under this chapter and approved for training by the department are not part of the public domain.

NEW SECTION. **Sec. 26.** This act takes effect January 1, 2002.

NEW SECTION. **Sec. 27.** The following acts or parts of acts are each repealed:

- (1) RCW 70.127.060 (Nursing homes--Application of chapter) and 1988 c 245 s 7;
- (2) RCW 70.127.070 (Hospitals--Application of chapter) and 1988 c 245 s 8;
- (3) RCW 70.127.110 (Licenses--Combination--Rules--Fees) and 1999 c 190 s 4 & 1988 c 245 s 12;
- (4) RCW 70.127.220 (Agency registry) and 1988 c 245 s 23;
- (5) RCW 70.127.230 (Hospice agencies--Exemption for certain activities) and 1988 c 245 s 24;
- (6) RCW 70.127.240 (Home health or hospice agencies--Exemption for certain activities) and 1988 c 245 s 27;
- (7) RCW 70.127.250 (Home health agencies--Patient care and treatment--Rules--Definitions) and 1994 sp.s. c 9 s 745, 1993 c 42 s 10, & 1988 c 245 s 25;
- (8) RCW 70.127.260 (Hospice agencies--Rules) and 1988 c 245 s 26; and
- (9) RCW 70.127.270 (Home care agencies--Rules) and 1988 c 245 s 28."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 70.127.010, 70.127.020, 70.127.030, 70.127.040, 70.127.050, 70.127.080, 70.127.085, 70.127.090, 70.127.100, 70.127.120, 70.127.125, 70.127.140, 70.127.150, 70.127.170, 70.127.180, 70.127.190, 70.127.200, 70.127.210, 70.38.025, and 74.39A.050; adding new sections to chapter 70.127 RCW; adding a new section to chapter 70.38 RCW; adding a new section to chapter 74.39A RCW; repealing RCW 70.127.060, 70.127.070, 70.127.110, 70.127.220, 70.127.230, 70.127.240, 70.127.250, 70.127.260, and 70.127.270; prescribing penalties; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to House Bill No. 2510 and asked the Senate to recede therefrom.

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

There being no objection, the House adjourned until 10:00 a.m., Monday, March 6, 2000, the 57th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTY SIXTH DAY, MARCH 5, 2000

JOURNAL OF THE HOUSE

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FIFTY SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 6, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Marcy Curtiss and Jared Curtiss. The Speaker led the chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anthony Robinson, Plymouth Congregational Church, United Church of Christ, Seattle.

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

MESSAGE FROM THE SENATE

March 5, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499,

SUBSTITUTE SENATE BILL NO. 6845,

SUBSTITUTE SENATE BILL NO. 6856,

and the same are herewith transmitted.

Tony M. Cook, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4776, by Representatives Keiser, Lambert, Ruderman, Kastama, Talcott, Fortunato, Schoesler, Haigh, Skinner, Linville, Stensen, Ogden, Schual-Berke,

Wolfe, Woods, Dickerson, Kagi, Kenney, Veloria, Edwards, Romero, Scott, Reardon, Wensman, Carlson, Hankins, Esser and Thomas

WHEREAS, March has been designated "Women's History Month" and is, therefore, a time to commemorate and honor the many contributions, both celebrated and unacknowledged, that women from all walks of American society have made to enrich our national character and enhance our cultural prosperity; and

WHEREAS, For over 80 years, Girl Scouts of the United States of America has empowered young women from all segments of American life by promoting the self-reliance and resourcefulness that creates indispensable women leaders for our nation's communities; and

WHEREAS, The World Association of Girl Guides and Girl Scouts has spread this empowering vision of unity throughout the world by sharing the common goals of confident independence and united collaboration with over 3.5 million young women representing more than 80 different nations; and

WHEREAS, Juliette Gordon Low established herself as a leader in the continuing struggle for women's equality by establishing the Girl Scouts in 1912 with the vision of an organization that would bring young women out of their "cloistered home environments and experience the open air"; and

WHEREAS, This contribution to American history has been a fundamental influence in the lives of a profound diversity of former Girl Scouts who have gone on to become great American leaders including Olympic Gold Medalist Jackie Joyner-Kersey, Astronaut Dr. Sally Ride, Women's Rights Activist Gloria Steinem, and others who continue to bestow their contributions in the areas of art, science, business, law, and culture; and

WHEREAS, Throughout its history, the Girl Scouts has balanced the traditional values that it was founded upon with programs supporting the development of young women leaders as they seek to improve challenging contemporary social issues such as child abuse, youth suicide, and literacy; and

WHEREAS, Over 32,000 young women and 12,000 adults are involved in outstanding leadership activities through Washington state's five regional councils of the Girl Scouts: The Girl Scouts - Totem Council, Girl Scouts Mid-Columbia Council, Girl Scouts Inland Empire Council, Girl Scouts - Pacific Peaks Council, and Girl Scouts Columbia River Council; and

WHEREAS, The Girl Scout Law reads, "I will do my best to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, and responsible for what I say and do, and to respect myself and others, respect authority, use resources wisely, make the world a better place, and be a sister to every Girl Scout";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives applaud the diligent efforts and esteemed accomplishments of the five Washington state councils of the Girl Scouts of the United States of America and applaud the many positive programs that the Girl Scouts of the United States of America has provided for young women; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives encourage all agencies of state government to recognize the services and benefits that are provided by the Girl Scouts of the United States of America and support the efforts of youth organizations that are working for the betterment of our communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Gary Locke, Governor of the state of Washington; the Governor's cabinet officers; all state-wide elected officials; the Girl Scouts of the United States of America national headquarters; and all five Girl Scouts of the United States of America regional councils in Washington state.

Representative Keiser moved adoption of the resolution.

Representatives Keiser and Talcott spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4776 was adopted.

HOUSE RESOLUTION NO. 2000-4777, by Representatives Quall, Doumit, Hatfield, Wensman and Carlson

WHEREAS, Many of the greatest moments in human history are marked by perseverance in the face of daunting adversity, the display of boundless courage and unity in the quest for a common goal, the domination of sheer will and strength of character, and the triumph of the meek over the mighty; and

WHEREAS, The glory of sport has long embodied this spirit of achievement, and the outstanding athletic performance of ordinary individuals in extraordinary circumstances has long captivated the hearts and minds of the American people; and

WHEREAS, Among the teams invited to participate in the 1936 Washington State Championship Basketball Tournament was Willapa Valley High, a small "B" school from Menlo, Washington, with a total enrollment of 96 students and only 36 boys; and

WHEREAS, In the first game of the tournament Valley faced the unbeaten squad from the much larger school, Lewis and Clark, and handed them a 43-39 defeat; and

WHEREAS, On the second day of the tournament Valley High upset the powerful team from Walla Walla by a score of 34-33, creating much excitement and causing observers to frantically ask the question "Where is Valley?"; and

WHEREAS, Following a 32-31 victory over Everett, the boys from Menlo had systematically defeated the three largest schools in the tournament, who had also been the pretournament favorites to win the championship; and

WHEREAS, In the final championship game Valley battled Hoquiam on even terms until a last second basket tied the score at 26, forcing a gut-wrenching overtime period; and

WHEREAS, In the final three minutes of overtime Valley scored six points to Hoquiam's two, thus winning the 1936 State Championship in what is considered by many to be the most thrilling tournament championship game of all time;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives remember this monumental event, recognize the members of the team: Bob Tisdale, 1st team All-State, Russell Eyer, Bud Alexander, 2nd team All-State, Ray Kraus, John Rosentangle, Carl Wiseman, Don Evavold, Al Belmont, Joe Drazil, Stanley Domin, coaches T. Armand Brim and Ed Tenoski, and manager Eddie Brigham, and honor their contribution to the annals of sports history in Washington State.

Representative Quall moved adoption of the resolution.

Representatives Quall, Hatfield and Doumit spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4777 was adopted.

HOUSE RESOLUTION NO. 2000-4782, by Representatives G. Chandler, McDonald, Mulliken, Bush, Wensman, Carlson, Hankins, Skinner, Fortunato, Koster, Parlette and Pflug

WHEREAS, Ed McLeary began his first fish farm in 1945 at the spring-fed headwaters of Rocky Ford Creek near Soap Lake, Washington; and

WHEREAS, Today Troutlodge, Inc., founded by Ed and his wife, Lois, is the world's largest producer of live rainbow trout eggs, with over 350 million eggs shipped to many states in the United States and over 30 foreign countries; and

WHEREAS, Troutlodge has established itself as a renowned salmonid breeding specialist; and

WHEREAS, Since the mid-1970s, Ed, his two sons, Randy and Russell, and daughter, Janis, have successfully operated the expansion of the business into international markets; and

WHEREAS, Through their process of selection, new strains, temperature control, photo adaptation, and more than forty years of concentration, Ed and his family have been able to constantly supply live rainbow trout eggs throughout the year; and

WHEREAS, This constant supply helped expand world trout production by more than doubling the amount of trout produced; and

WHEREAS, Ed has been recognized as an industry leader from the very beginning; and

WHEREAS, He recognized how important political activity was to the industry and worked to gain the Internal Revenue Service's recognition of fish farming as an agricultural pursuit; and

WHEREAS, In 1995 he received the United States Trout Farmers Association Distinguished White Award; and

WHEREAS, The United States Fish and Wildlife Service's National Fish Culture Hall of Fame has been established to recognize those persons who have made significant contributions to the advancement of fish culture in the United States; and

WHEREAS, In May of this year, Ed will be inducted into the National Fish Culture Hall of Fame by unanimous consent of the American Fisheries Society Fish Culture Section membership;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute, commend, and honor Ed McLeary for his induction into the National Fish Culture Hall of Fame and for his lifetime contributions to the aquaculture industry in Washington state, and for his entrepreneurial spirit that has led to the McLeary family reputation as the world-renowned producers and breeding specialists of rainbow trout and salmon; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Ed McLeary and the entire McLeary family, the personnel of Troutlodge, and the American fish farming industry.

Representative G. Chandler moved adoption of the resolution.

Representatives G. Chandler, McDonald, Parlette and Bush spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4782 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2939 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of general administration shall work with commercial and industrial construction industry organizations to develop guidelines for implementing on-site construction waste management planning. The topics addressed in the guidelines shall include, but shall not be limited to:

- (a) Standards for identifying the type of wastes generated during construction;
- (b) Methods for analyzing the availability and cost-effectiveness of recycling services for each type of waste;
- (c) Methods for evaluating construction waste management alternatives given limited recycling services in rural areas of the state;
- (d) Strategies to maximize reuse and recycling of wastes and minimize landfill disposal;
- (e) Standardized formats for on-site construction waste management planning and reporting documents; and
- (f) A training and technical assistance plan for public and private building owners and construction industry members, in order to facilitate incorporation of waste management planning and recycling into standard construction industry practice.

(2) By December 15, 2000, the department of general administration shall provide a report to the legislature on the development of the guidelines required by subsection (1) of this section. The

report shall include recommendations for incorporating job-site waste management planning and recycling into standard construction industry practice.

Sec. 2. RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to read as follows:

The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

- (1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;
- (2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;
- (3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;
- (4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;
- (5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;
- (6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;
- (7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;
- (8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;
- (9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;
- (10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;
- (11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;
- (12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;
- (13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;
- (14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;
- (15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;
- (16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;
- (17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;
- (18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;
- (19) Resolution of all other purchasing and material matters which require the establishment of overall state-wide policy for effective and economical supply management;

(20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002);

(21) Development of goals for state use of recycled and environmentally preferable products through specifications for products and services, processes for requests for proposals and requests for qualifications, contractor selection, and contract negotiations.

Sec. 3. RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read as follows:

(1) The ~~((USEPA))~~ federal product standards, ~~((as now or hereafter amended))~~ adopted under 42 U.S.C. Sec. 6962(e) as it exists on the effective date of this act, are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in ~~((a) and (b) of)~~ this subsection ~~((by the dates indicated))~~, unless the director finds that a different standard would significantly increase recycled product availability or competition.

~~((a))~~ ~~By July 1, 1997:~~

~~((i))~~ Paper and paper products;

~~((ii))~~ ~~(b)~~ Organic recovered materials; ~~(and~~

~~((iii))~~ ~~(c)~~ Latex paint products;

~~((b))~~ ~~By July 1, 1997:~~

~~((i))~~ ~~(d)~~ Products for lower value uses containing recycled plastics;

~~((ii))~~ ~~(e)~~ Retread and remanufactured tires;

~~((iii))~~ ~~(f)~~ Lubricating oils;

~~((iv))~~ ~~(g)~~ Automotive batteries;

~~((v))~~ ~~(h)~~ Building ~~(insulation))~~ products and materials;

~~((vi))~~ ~~(i)~~ Panelboard; and

~~((vii))~~ ~~(j)~~ Compost products.

(2) By July 1, 2001, the director shall adopt product standards for strawboard manufactured using as an ingredient straw that is produced as a by-product in the production of cereal grain or turf or grass seed.

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

NEW SECTION. **Sec. 4.** The legislature encourages city, county, and state governments, the private sector, and consumers to collaborate in sharing information and becoming informed about opportunities for increasing voluntary product stewardship to support the state's recycling goals. For purposes of this section, "product stewardship" means a principle that directs all actors in the life cycle of a product to minimize impacts of that product on the environment.

Sec. 5. RCW 39.04.133 and 1996 c 198 s 5 are each amended to read as follows:

(1) The state's preferences for the purchase and use of recycled content products shall be included as a factor in the design and development of state capital improvement projects.

(2) ~~((Specifications for materials in state construction projects shall include the use of recycled content products and recyclable products whenever practicable.))~~ If a construction project receives state public funding, the product standards, as provided in RCW 43.19A.020, shall apply to the materials used in the project, whenever the administering agency and project owner determine that such products would be cost-effective and are readily available.

(3) This section does not apply to contracts entered into by a municipality.

NEW SECTION. **Sec. 6.** A new section is added to chapter 81.77 RCW to read as follows:

(1) As an incentive to increase recycling and reduce landfill disposal, the commission shall allow a solid waste collection company collecting recyclable materials from residential customers to retain a portion of the revenue derived from the sale of increased recyclable materials tonnage. In order to qualify to participate in a recycling revenue sharing program each hauler must submit to the commission a plan certified by the appropriate local government authority as being consistent with the local government solid waste management plan and specifying the 1999 per capita recycling base as determined by the local government. Provided, that customers shall receive one hundred percent of the revenue derived from the sale of recyclable materials, up to the established per capita base. Customers shall receive sixty percent of the revenue derived from the sale of recyclable materials exceeding the established per capita base.

(2) By December 2, 2004, the commission shall provide a report to the legislature that evaluates:

- (a) The effectiveness of revenue sharing as an incentive to increase recycling in the state; and
 - (b) The effect of revenue sharing on costs to customers.
- (3) This section expires December 31, 2005.

Sec. 7. RCW 70.95.010 and 1989 c 431 s 1 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) Waste reduction must become a fundamental strategy of solid waste management. It is therefore necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility.

(5) Source separation of waste must become a fundamental strategy of solid waste management. Collection and handling strategies should have, as an ultimate goal, the source separation of all materials with resource value or environmental hazard.

(6)(a) It is the responsibility of every person to minimize his or her production of wastes and to separate recyclable or hazardous materials from mixed waste.

(b) It is the responsibility of state, county, and city governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies and to process and dispose of remaining wastes in a manner that is environmentally safe and economically sound. It is further the responsibility of state, county, and city governments to monitor the cost-effectiveness and environmental safety of combusting separated waste, processing mixed waste, and recycling programs.

(c) It is the responsibility of county and city governments to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies.

(d) It is the responsibility of state government to ensure that local governments are providing adequate source reduction and separation opportunities and incentives to all, including persons in both rural and urban areas, and nonresidential waste generators such as commercial, industrial, and institutional entities, recognizing the need to provide flexibility to accommodate differing population densities, distances to and availability of recycling markets, and collection and disposal costs in each community; and to provide county and city governments with adequate technical resources to accomplish this responsibility.

(7) Environmental and economic considerations in solving the state's solid waste management problems requires strong consideration by local governments of regional solutions and intergovernmental cooperation.

(8) The following priorities for the collection, handling, and management of solid waste are necessary and should be followed in descending order as applicable:

- (a) Waste reduction;
- (b) Recycling, with source separation of recyclable materials as the preferred method;
- (c) Energy recovery, incineration, or landfill of separated waste;
- (d) Energy recovery, incineration, or landfilling of mixed wastes.

(9) It is the state's goal to achieve a fifty percent recycling rate by ~~((1995))~~ 2005.

(10) It is the state's goal that programs be established to eliminate disposal of residential or commercial yard debris in landfills by 2010.

(11) Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal.

~~((11))~~ (12) It is necessary to compile and maintain adequate data on the types and quantities of solid waste that are being generated and to monitor how the various types of solid waste are being managed.

~~((12))~~ (13) Vehicle batteries should be recycled and the disposal of vehicle batteries into landfills or incinerators should be discontinued.

~~((13))~~ (14) Excessive and nonrecyclable packaging of products should be avoided.

~~((14))~~ (15) Comprehensive education should be conducted throughout the state so that people are informed of the need to reduce, source separate, and recycle solid waste.

~~((15))~~ (16) All governmental entities in the state should set an example by implementing aggressive waste reduction and recycling programs at their workplaces and by purchasing products that are made from recycled materials and are recyclable.

~~((16))~~ (17) To ensure the safe and efficient operations of solid waste disposal facilities, it is necessary for operators and regulators of landfills and incinerators to receive training and certification.

~~((17))~~ (18) It is necessary to provide adequate funding to all levels of government so that successful waste reduction and recycling programs can be implemented.

~~((18))~~ (19) The development of stable and expanding markets for recyclable materials is critical to the long-term success of the state's recycling goals. Market development must be encouraged on a state, regional, and national basis to maximize its effectiveness. The state shall assume primary responsibility for the development of a multifaceted market development program to carry out the purposes of this act.

~~((19))~~ (20) There is an imperative need to anticipate, plan for, and accomplish effective storage, control, recovery, and recycling of discarded tires and other problem wastes with the subsequent conservation of resources and energy.

Sec. 8. RCW 70.95.030 and 1998 c 36 s 17 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

- (1) "City" means every incorporated city and town.
- (2) "Commission" means the utilities and transportation commission.
- (3) "Committee" means the state solid waste advisory committee.
- (4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.
- (5) "Department" means the department of ecology.
- (6) "Director" means the director of the department of ecology.
- (7) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.
- (8) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(9) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(10) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in RCW 70.95.030, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris

includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

Sec. 9. RCW 70.95.090 and 1991 c 298 s 3 are each amended to read as follows:

Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by the franchise;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70.95.010, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(7) The waste reduction and recycling element shall include the following:

(a) Waste reduction strategies;

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences in urban and rural areas. In urban areas, these programs shall include collection of source separated recyclable materials from single and multiple family residences, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(ii) Programs to monitor the collection of source separated waste at nonresidential sites where there is sufficient density to sustain a program;

(iii) Programs to ~~((collect))~~ manage yard ~~((waste, if the county or city submitting the plan finds that there are))~~ debris, including strategies to:

(A) Develop collection programs or alternative means for managing yard debris;

(B) Eliminate disposal of yard debris in landfills; and

(C) Encourage adequate markets or capacity for composted yard (~~waste~~) debris within or near the service area to consume (~~the majority of~~) the material collected; and

(iv) Programs to educate and promote the concepts of waste reduction and recycling;

(c) Recycling strategies, including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services; and

(d) Other information the county or city submitting the plan determines is necessary.

(8) County and city comprehensive solid waste management plans may provide for the establishment of residential collection rate structures that provide economic incentives for customers to reduce their level of solid waste collection service and encourage participation in waste reduction, recycling, and yard debris collection programs. Any jurisdictions that are signatories to comprehensive solid waste management plans that adopt residential incentive rates shall adopt ordinances to implement rate structures that are consistent with the guidelines in the comprehensive plans. The utilities and transportation commission is authorized to issue rules to implement this section for solid waste collection companies regulated under Title 81 RCW.

(9) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

~~((9))~~ (10) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

Sec. 10. RCW 70.95.280 and 1989 c 431 s 13 are each amended to read as follows:

The department of ecology shall determine the best management practices for categories of solid waste in accordance with the priority solid waste management methods established in RCW 70.95.010. In order to make this determination, the department shall conduct a comprehensive solid waste stream analysis and evaluation. Following establishment of baseline data resulting from an initial in-depth analysis of the waste stream, the department shall develop a less intensive method of monitoring the disposed waste stream including, but not limited to, changes in the amount of waste generated and waste type. The department shall monitor curbside collection programs and other waste segregation and disposal technologies to determine, to the extent possible, the effectiveness of these programs in terms of cost and participation, their applicability to other locations, and their implications regarding rules adopted under this chapter. Persons who collect solid waste shall annually report to the department the types and quantities of solid waste that are collected and where it is delivered. The department shall adopt guidelines for reporting and for ~~((keeping proprietary information confidential))~~ maintaining the confidentiality of proprietary information included in the report. By March 1st of each year, entities that collect recycled material shall report their activity from the previous calendar year on a form provided by the department. The department may impose a penalty of one hundred dollars on any entity that fails to submit the required report to the department. The department may impose an additional penalty of one hundred dollars for each day after March 1st that a firm fails to submit the required report. The total penalties for failure to report shall not exceed one thousand dollars. By May 1st of each year, the department may arrange for the publication in recycling and solid waste industry trade publications the names of those entities failing to file the required report. The department shall structure penalties and other sanctions so as to encourage compliance with the annual reporting requirement.

Sec. 11. RCW 70.95.290 and 1988 c 184 s 3 are each amended to read as follows:

(1) The evaluation of the solid waste stream required in RCW 70.95.280 shall include the following elements:

(a) The department shall determine which management method for each category of solid waste will have the least environmental impact; and

(b) The department shall evaluate the costs of various management options for each category of solid waste, including a review of market availability, and shall take into consideration the economic impact on affected parties;

(c) Based on the results of (a) and (b) of this subsection, the department shall determine the best management for each category of solid waste. Different management methods for the same categories of waste may be developed for different parts of the state.

(2) The department shall give priority to evaluating categories of solid waste that, in relation to other categories of solid waste, comprise a large volume of the solid waste stream or present a high potential of harm to human health. At a minimum the following categories of waste shall be evaluated:

(a) By January 1, 1989, yard (~~waste~~) debris and other biodegradable materials, paper products, disposable diapers, and batteries; (~~and~~)

(b) By January 1, 1990, metals, glass, plastics, styrofoam or rigid lightweight cellular polystyrene, and tires; and

(c) By January 1, 2004, construction, demolition, and land-clearing debris, manure, and major food-processing wastes.

(3) The department is prohibited from adopting rules that mandate best management practices for the categories of solid waste identified in subsection (2) of this section.

Sec. 12. RCW 70.95.810 and 1998 c 245 s 132 are each amended to read as follows:

(1) In order to establish the feasibility of composting food and yard (~~wastes~~) debris, the department shall provide funds, as available, to local governments submitting a proposal to compost such wastes.

(2) The department, in cooperation with the department of community, trade, and economic development, may approve an application if the project can demonstrate the essential parameters for successful composting, including, but not limited to, cost-effectiveness, handling and safety requirements, and current and potential markets."

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "amending RCW 43.19.1905, 43.19A.020, 39.04.133, 70.95.010, 70.95.030, 70.95.090, 70.95.280, 70.95.290, and 70.95.810; adding a new section to chapter 81.77 RCW; creating new sections; prescribing penalties; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Substitute House Bill No. 2939 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2343 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.55.120 and 1999 c 398 s 7 and 1999 c 327 s 5 are each reenacted and amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to twenty-four hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

(c) Notwithstanding (b) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

(d) Notwithstanding (b) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9 RCW, including providing redemption rights to the debtor under RCW

62A.9-506. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under chapter 62A.9 RCW is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

(e) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under (b) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or ~~((46.20.420))~~ 46.20.345 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards issued by financial institutions, or personal checks drawn on ~~((in-state banks))~~ Washington state branches of financial institutions if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm ~~((can))~~ cannot determine through the customer's bank or a check verification service that the presented check would ~~((not))~~ be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or ~~((46.20.420))~~ 46.20.345 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the Court located at in the sum of \$., in an action entitled, Case No. YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this day of, (year) . . .

Signature

Typed name and address
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

Sec. 2. RCW 46.55.130 and 1998 c 203 s 6 are each amended to read as follows:

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110~~((2))~~ (3) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, or a suspended license impound has been directed, but no security paid under RCW 46.55.120, then the registered tow truck operator having

custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The successful bidder shall apply for title within fifteen days;

(g) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

(h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record as determined by the department within one year from the date of the auction, the surplus moneys shall be remitted to such owner;

(i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within forty-five days sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4)(a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110(~~((2))~~)
(3).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available. However, storage charges begin to accrue again on the date the correct and complete information is provided to the department by the registered tow truck operator."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "amending RCW 46.55.130; and reenacting and amending RCW 46.55.120."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2343 and advanced the bill as amended by the Senate to final passage.

Representative Hatfield spoke in favor of final passage of the bill.

MOTION

On motion of Representative Wensman, Representative Schmidt was excused.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2343 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2343 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representative Sullivan - 1.

Excused: Representative Schmidt - 1.

Substitute House Bill No. 2343, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2372 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.32A.060 and 1997 c 146 s 3 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into

custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance:

(i) If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of child abuse or neglect, as defined in RCW 26.44.020;

(ii) If it is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) If there is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, the officer may request the department to accept custody of the child. If the department determines that an appropriate placement is currently available, the department shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without filing a child in need of services petition under this chapter, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department's custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody. If the department declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; a licensed youth shelter and shall immediately notify the department if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 13.32A.050(1) (c) or (d) shall inform the child of the reason for custody. An officer taking a child into custody under RCW 13.32A.050(1)(c) may release the child to the supervising agency, or shall take the child to a designated crisis residential center's secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 13.32A.050(1)(d) may place the child in a juvenile detention facility as provided in RCW 13.32A.065 or a secure facility, except that the child shall be taken to either (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b) detention whenever the officer has been notified that a juvenile court has entered ((a detention)) an order directing such placement under this chapter or chapter 13.34 RCW. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(3) Whenever an officer transfers custody of a child to a crisis residential center or the department, the child may reside in the crisis residential center or may be placed by the department in an out-of-home placement for an aggregate total period of time not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays, except that a child placed in a secure facility under a court order entered under RCW 13.32A.250 must remain in the secure facility as provided in RCW 13.32A.065. Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed under this chapter, or an order for placement has been entered under chapter 13.34 RCW.

(4) The department shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

Sec. 2. RCW 13.32A.065 and 1996 c 133 s 12 are each amended to read as follows:

(1) A child may be placed in either (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b) detention after being taken into custody pursuant to RCW 13.32A.050(1)(d). In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility. The court shall hold a ((detention)) review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court (~~orders the child to remain in detention~~) finds that the conditions in subsection (1)(a) and (b) of this section have been met, the court may order the child to remain confined either in (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b) detention, and shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

Sec. 3. RCW 13.32A.130 and 1997 c 146 s 4 are each amended to read as follows:

(1) A child admitted to a secure facility within a crisis residential center shall remain in the facility for not more than five consecutive days, but for at least twenty-four hours after admission. If the child admitted under this section is transferred between centers or between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall consider the following information if known: (A) The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away which has endangered the health, safety, and welfare of the child; and (F) the child's willingness to cooperate in the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time during the five-day period unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the administrator of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child

in need of services petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; (d) the right to request a review of any out-of-home placement; (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW 13.32A.197.

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(7) A crisis residential center and its administrator or his or her designee acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

(8) This section does not apply to children admitted to a secure facility that is a separate, secure section of a juvenile detention facility under a court order issued under RCW 13.32A.250(3) or 28A.225.090(2). In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

Sec. 4. RCW 13.32A.250 and 1998 c 296 s 37 are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of this section.

(3) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement for up to seven days, or both for contempt of court under this section.

(4) A child placed in confinement for contempt under this section shall be placed in confinement ~~((only))~~ either in a secure juvenile detention facility operated by or pursuant to a contract with a county or a secure facility that is a separate, secure section of a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

(6) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention or to a secure facility. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention or to the secure facility, a ~~((detention))~~ review hearing must be held in accordance with RCW 13.32A.065.

NEW SECTION. **Sec. 5.** A new section is added to chapter 13.32A RCW to read as follows:

No placement of a juvenile in a secure facility under RCW 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, or 74.13.034 as a result of an order entered under RCW 13.32A.250 or 28A.225.090(2) may displace, or prevent the placement of, a juvenile in a secure facility under RCW 13.32A.050, 13.32A.060, or 13.32A.130. If a secure facility is located in a separate, secure section of a juvenile detention facility, no more than fifty percent of its capacity may be occupied by juveniles placed under RCW 13.32A.250 or 28A.225.090(2). If any capacity of a secure facility located in a juvenile detention facility is taken by a juvenile placed under RCW 13.32A.250 or 28A.225.090 and a juvenile is brought to the secure facility under RCW 13.32A.050,

13.32A.060, or 13.32A.130, that juvenile must be placed in the secure facility and a juvenile placed under RCW 13.32A.250 or 28A.225.090 be moved immediately to the juvenile detention facility.

Sec. 6. RCW 28A.225.090 and 1999 c 319 s 4 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be ~~((subject to detention, as provided in RCW 7.21.030(2)(e)))~~ placed in confinement for contempt, either in a juvenile detention facility operated by or under a contract with a county or in a secure facility that is a separate, secure section of a juvenile detention facility, or may impose alternatives to ((detention)) confinement such as community service. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015.

Sec. 7. RCW 74.13.033 and 1995 c 312 s 62 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises. A child confined in a secure facility that is a separate, secure section of a juvenile detention facility under RCW 13.32A.250(3) or 28A.225.090(2) may be moved to an available bed in a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible;

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed five consecutive days or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the facility staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed five consecutive days.

Sec. 8. RCW 74.13.034 and 1995 c 312 s 63 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032 may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both locations shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130 or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee,

which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130 or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

NEW SECTION. Sec. 9. A new section is added to chapter 13.32A RCW to read as follows:
The department has no responsibility to attend hearings, provide transportation, case management, or any other services to youth confined in a secure facility that is a separate, secure section of a juvenile detention facility unless it is otherwise ordered by a court under a petition relating to a child in need of services, an at-risk youth, or truancy.

NEW SECTION. Sec. 10. A new section is added to chapter 13.32A RCW to read as follows:

The cost to county juvenile court administrators of housing youths held in contempt and confined in secure crisis residential centers located in juvenile detention facilities shall be credited against the funds appropriated to fund the costs of processing truancy, children in need of services, and at-risk youth petitions.

Sec. 11. RCW 13.32A.060 and 2000 c . . . s 1 (section 1 of this act) are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance:

(i) If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of child abuse or neglect, as defined in RCW 26.44.020;

(ii) If it is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) If there is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, the officer may request the department to accept custody of the child. If the department determines that an appropriate placement is currently available, the department shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without filing a child in need of

services petition under this chapter, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department's custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody. If the department declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; a licensed youth shelter and shall immediately notify the department if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 13.32A.050(1) (c) or (d) shall inform the child of the reason for custody. An officer taking a child into custody under RCW 13.32A.050(1)(c) may release the child to the supervising agency, or shall take the child to a designated crisis residential center's secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 13.32A.050(1)(d) may place the child in a juvenile detention facility as provided in RCW 13.32A.065 or a secure facility, except that the child shall be taken to ~~((either (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b)))~~ detention whenever the officer has been notified that a juvenile court has entered ~~((an))~~ a detention order ~~((directing such placement))~~ under this chapter or chapter 13.34 RCW. ~~((In no case may a child in contempt be confined in a secure facility that is free standing outside a juvenile detention facility.))~~

(3) Whenever an officer transfers custody of a child to a crisis residential center or the department, the child may reside in the crisis residential center or may be placed by the department in an out-of-home placement for an aggregate total period of time not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays~~((, except that a child placed in a secure facility under a court order entered under RCW 13.32A.250 must remain in the secure facility as provided in RCW 13.32A.065))~~. Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed under this chapter, or an order for placement has been entered under chapter 13.34 RCW.

(4) The department shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

Sec. 12. RCW 13.32A.065 and 2000 c . . . s 2 (section 2 of this act) are each amended to read as follows:

(1) A child may be placed in ~~((either (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b)))~~ detention after being taken into custody pursuant to RCW 13.32A.050(1)(d). ~~((In no case may a child in contempt be confined in a secure facility that is free standing outside a juvenile detention facility.))~~ The court shall hold a detention review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court ~~((finds that the conditions in subsection (1)(a) and (b) of this section have been met))~~ orders the child to remain in detention, the court ~~((may order the child to remain confined either in (a) a secure facility that is a separate, secure section of a juvenile detention facility; or (b) detention, and))~~ shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays. ~~((In no case may a child in contempt be confined in a secure facility that is free standing outside a juvenile detention facility.))~~

Sec. 13. RCW 13.32A.130 and 2000 c . . . s 3 (section 3 of this act) are each amended to read as follows:

(1) A child admitted to a secure facility within a crisis residential center shall remain in the facility for not more than five consecutive days, but for at least twenty-four hours after admission. If the child admitted under this section is transferred between centers or between secure and semi-secure

facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall consider the following information if known: (A) The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away which has endangered the health, safety, and welfare of the child; and (F) the child's willingness to cooperate in the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time during the five-day period unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the administrator of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child in need of services petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; (d) the right to request a review of any out-of-home placement; (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW 13.32A.197.

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(7) A crisis residential center and its administrator or his or her designee acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

~~((8) This section does not apply to children admitted to a secure facility that is a separate, secure section of a juvenile detention facility under a court order issued under RCW 13.32A.250(3) or 28A.225.090(2). In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.))~~

Sec. 14. RCW 13.32A.250 and 2000 c . . . s 4 (section 4 of this act) are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of this section.

(3) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement for up to seven days, or both for contempt of court under this section.

(4) A child placed in confinement for contempt under this section shall be placed in confinement ~~((either))~~ only in a secure juvenile detention facility operated by or pursuant to a contract with a county ~~((or a secure facility that is a separate, secure section of a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free-standing outside a juvenile detention facility.))~~

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

(6) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention ~~((or to a secure facility))~~. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention ~~((or to the secure facility))~~, a detention review hearing must be held in accordance with RCW 13.32A.065.

Sec. 15. RCW 28A.225.090 and 2000 c . . . s 6 (section 6 of this act) are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be ~~((placed in confinement for contempt, either in a juvenile detention facility operated by or under a contract with a county or in a secure facility that is a separate, secure section of a juvenile detention facility))~~ subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to ((confinement)) detention such as community service. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. ~~((In no case may a child in contempt be confined in a secure facility that is free standing outside a juvenile detention facility.))~~

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under RCW 28A.225.015.

Sec. 16. RCW 74.13.033 and 2000 c . . . s 7 (section 7 of this act) are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises. ~~((A child confined in a secure facility that is a separate, secure section of a juvenile detention facility under RCW 13.32A.250(3) or 28A.225.090(2) may be moved to an available bed in a juvenile detention facility. In no case may a child in contempt be confined in a secure facility that is free standing outside a juvenile detention facility.))~~

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible;

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed five consecutive days ~~((or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days))~~; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the facility staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation

pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed five consecutive days.

Sec. 17. RCW 74.13.034 and 2000 c . . . s 8 (section 8 of this act) are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032 may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both locations shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130 (~~or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days~~).

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130 (~~or, in the case of a child admitted by court order issued under RCW 13.32A.250(3) or 28A.225.090(2), seven consecutive days~~).

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

Sec. 18. RCW 13.50.100 and 1999 c 390 s 3 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(4) A contracting agency or service provider of the department of social and health services that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombudsman information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen years, unless such release is otherwise specifically prohibited by law.

(5) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported alleged child abuse or neglect.

(6) A juvenile or his or her parent denied access to any records following an agency determination under subsection (5) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (5)(a) and (b) of this section.

(7) The person making a motion under subsection (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (5) of this section. A party denied access to records may request judicial review of the denial. If the party prevails, he or she shall be awarded attorneys' fees, costs, and an amount not less than five dollars and not more than one hundred dollars for each day the records were wrongfully denied.

(9) No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020(12) may be disclosed to a child-placing agency, private adoption agency, or any other licensed provider.

Sec. 19. RCW 26.44.020 and 1999 c 176 s 29 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

- (5) "Department" means the state department of social and health services.
- (6) "Child" or "children" means any person under the age of eighteen years of age.
- (7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.
- (8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.
- (9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
- (10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
- (11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
- (12) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.
- (13) "Child protective services section" means the child protective services section of the department.
- (14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.
- (15) "Negligent treatment or maltreatment" means an act or omission that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.
- (16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.
- (17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.
- (18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.
- (19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

Sec. 20. RCW 74.15.030 and 1997 c 386 s 33 are each amended to read as follows:
The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.060 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether

the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child care coordinating committee and other affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. **Sec. 21.** Sections 11 through 17 of this act take effect July 1, 2002.

NEW SECTION. **Sec. 22.** Sections 5, 9, and 10 of this act expire June 30, 2002."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "children; amending RCW 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, 74.13.034, 13.32A.060, 13.32A.065, 13.32A.130, 13.32A.250, 28A.225.090, 74.13.033, 74.13.034, 13.50.100, 26.44.020, and 74.15.030; adding new sections to chapter 13.32A RCW; providing an effective date; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2372 and advanced the bill as amended by the Senate to final passage.

Representative Tokuda spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2372 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2372 as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Scott, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Schmidt - 1.

Substitute House Bill No. 2372, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2452 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.35.240 and 1996 c 200 s 30 are each amended to read as follows:

(1) Every ~~((establishment))~~ individual engaged in the fitting and dispensing of hearing instruments shall ~~((file with the department))~~ be covered by a surety bond ~~((in the sum))~~ of ten thousand dollars ~~((, running to the state of Washington))~~ or more, for the benefit of any person injured or damaged as a result of any violation by the ~~((establishment's))~~ licensee, certificate or permit holder, or their employees or agents of any of the provisions of this chapter or rules adopted by the secretary.

(2) In lieu of the surety bond required by this section, the ~~((establishment may file with the department a cash))~~ licensee or certificate or permit holder may deposit cash or other negotiable security ~~((acceptable to the department))~~ in a banking institution as defined in chapter 30.04 RCW or a credit union as defined in chapter 31.12 RCW. All obligations and remedies relating to surety bonds shall apply to deposits and security filed in lieu of surety bonds.

(3) If a cash deposit or other negotiable security is filed, ~~((the department shall deposit the funds. The cash or other negotiable security deposited with the department shall be returned to the depositor))~~ the licensee or certificate or permit holder shall maintain such cash or other negotiable security for one year after ~~((the establishment has discontinued))~~ discontinuing the fitting and dispensing of hearing instruments ~~((if no legal action has been instituted against the establishment, its agents or employees, or the cash deposit or other security. The establishment owners shall notify the department if the establishment is sold, changes names, or has discontinued the fitting and dispensing of hearing instruments in order that the cash deposit or other security may be released at the end of one year from that date.~~

(4) ~~A surety may file with the department notice of withdrawal of the bond of the establishment. Upon filing a new bond, or upon the expiration of sixty days after the filing of notice of withdrawal by the surety, the liability of the former surety for all future acts of the establishment terminates.~~

(5) ~~Upon the filing with the department notice by a surety of withdrawal of the surety on the bond of an establishment or upon the cancellation by the department of the bond of a surety under this section, the department shall immediately give notice to the establishment by certified or registered mail with return receipt requested addressed to the establishment's last place of business as filed with the department.~~

(6) ~~The department shall immediately cancel the bond given by a surety company upon being advised that the surety company's license to transact business in this state has been revoked).~~

~~((7))~~ (4) Each invoice for the purchase of a hearing instrument provided to a customer must clearly display on the first page the bond number ~~((of the establishment or))~~ covering the licensee or certificate or permit holder responsible for fitting/dispensing the hearing instrument.

(5) All licensed hearing instrument fitter/dispensers, certified audiologists, and permit holders must verify compliance with the requirement to hold a surety bond or cash or other negotiable security by submitting a signed declaration of compliance upon annual renewal of their license, certificate, or permit. Up to twenty-five percent of the credential holders may be randomly audited for surety bond

compliance after the credential is renewed. It is the credential holder's responsibility to submit a copy of the original surety bond or bonds, or documentation that cash or other negotiable security is held in a banking institution during the time period being audited. Failure to comply with the audit documentation request or failure to supply acceptable documentation within thirty days may result in disciplinary action.

Sec. 2. RCW 18.35.240 and 1998 c 142 s 18 are each amended to read as follows:

(1) Every ~~((establishment))~~ individual engaged in the fitting and dispensing of hearing instruments shall ~~((file with the department))~~ be covered by a surety bond ~~((in the sum))~~ of ten thousand dollars~~((, running to the state of Washington))~~ or more, for the benefit of any person injured or damaged as a result of any violation by the ~~((establishment's))~~ licensee, certificate or permit holder, or their employees or agents of any of the provisions of this chapter or rules adopted by the secretary.

(2) In lieu of the surety bond required by this section, the ~~((establishment may file with the department a cash))~~ licensee or certificate or permit holder may deposit cash or other negotiable security ~~((acceptable to the department))~~ in a banking institution as defined in chapter 30.04 RCW or a credit union as defined in chapter 31.12 RCW. All obligations and remedies relating to surety bonds shall apply to deposits and security filed in lieu of surety bonds.

(3) If a cash deposit or other negotiable security is filed, ~~((the department shall deposit the funds. The cash or other negotiable security deposited with the department shall be returned to the depositor))~~ the licensee or certificate or permit holder shall maintain such cash or other negotiable security for one year after ~~((the establishment has discontinued))~~ discontinuing the fitting and dispensing of hearing instruments ~~((if no legal action has been instituted against the establishment, its agents or employees, or the cash deposit or other security. The establishment owners shall notify the department if the establishment is sold, changes names, or has discontinued the fitting and dispensing of hearing instruments in order that the cash deposit or other security may be released at the end of one year from that date.~~

~~((4) A surety may file with the department notice of withdrawal of the bond of the establishment. Upon filing a new bond, or upon the expiration of sixty days after the filing of notice of withdrawal by the surety, the liability of the former surety for all future acts of the establishment terminates.~~

~~((5) Upon the filing with the department notice by a surety of withdrawal of the surety on the bond of an establishment or upon the cancellation by the department of the bond of a surety under this section, the department shall immediately give notice to the establishment by certified or registered mail with return receipt requested addressed to the establishment's last place of business as filed with the department.~~

~~((6) The department shall immediately cancel the bond given by a surety company upon being advised that the surety company's license to transact business in this state has been revoked).~~

~~((7))~~ (4) Each invoice for the purchase of a hearing instrument provided to a customer must clearly display on the first page the bond number ~~((of the establishment or))~~ covering the licensee or certificate or interim permit holder responsible for fitting/dispensing the hearing instrument.

(5) All licensed hearing instrument fitter/dispensers, certified audiologists, and permit holders must verify compliance with the requirement to hold a surety bond or cash or other negotiable security by submitting a signed declaration of compliance upon annual renewal of their license, certificate, or permit. Up to twenty-five percent of the credential holders may be randomly audited for surety bond compliance after the credential is renewed. It is the credential holder's responsibility to submit a copy of the original surety bond or bonds, or documentation that cash or other negotiable security is held in a banking institution during the time period being audited. Failure to comply with the audit documentation request or failure to supply acceptable documentation within thirty days may result in disciplinary action.

Sec. 3. RCW 18.35.250 and 1996 c 200 s 31 are each amended to read as follows:

(1) In addition to any other legal remedies, an action may be brought in any court of competent jurisdiction upon the bond, cash deposit, or security in lieu of a surety bond required by this chapter, by any person having a claim against a licensee or certificate or permit holder, agent, or

~~((establishment)) employee~~ for any violation of this chapter or any rule adopted under this chapter. The aggregate liability of the surety, cash deposit, or other negotiable security to all claimants shall in no event exceed the sum of the bond. Claims shall be satisfied in the order of judgment rendered.

~~(2) An action upon the bond, cash deposit, or other negotiable security shall be commenced by serving and filing ((the)) a complaint ((within one year from the date of the cancellation of the bond. An action upon a cash deposit or other security shall be commenced by serving and filing the complaint within one year from the date of notification to the department of the change in ownership of the establishment or the discontinuation of the fitting and dispensing of hearing instruments by that establishment. Two copies of the complaint shall be served by registered or certified mail, return receipt requested, upon the department at the time the suit is started. The service constitutes service on the surety. The secretary shall transmit one copy of the complaint to the surety within five business days after the copy has been received.~~

~~(3) The secretary shall maintain a record, available for public inspection, of all suits commenced under this chapter under surety bonds, or the cash or other security deposited in lieu of the surety bond. In the event that any final judgment impairs the liability of the surety upon a bond so furnished or the amount of the deposit so that there is not in effect a bond undertaking or deposit in the full amount prescribed in this section, the department shall suspend the license or certificate until the bond undertaking or deposit in the required amount, unimpaired by unsatisfied judgment claims, has been furnished.~~

~~(4) If a judgment is entered against the deposit or security required under this chapter, the department shall, upon receipt of a certified copy of a final judgment, pay the judgment from the amount of the deposit or security).~~

Sec. 4. RCW 18.35.250 and 1998 c 142 s 19 are each amended to read as follows:

(1) In addition to any other legal remedies, an action may be brought in any court of competent jurisdiction upon the bond, cash deposit, or security in lieu of a surety bond required by this chapter, by any person having a claim against a licensee or certificate or interim permit holder, agent, or ~~((establishment)) employee~~ for any violation of this chapter or any rule adopted under this chapter. The aggregate liability of the surety, cash deposit, or other negotiable security to all claimants shall in no event exceed the sum of the bond. Claims shall be satisfied in the order of judgment rendered.

~~(2) An action upon the bond, cash deposit, or other negotiable security shall be commenced by serving and filing ((the)) a complaint ((within one year from the date of the cancellation of the bond. An action upon a cash deposit or other security shall be commenced by serving and filing the complaint within one year from the date of notification to the department of the change in ownership of the establishment or the discontinuation of the fitting and dispensing of hearing instruments by that establishment. Two copies of the complaint shall be served by registered or certified mail, return receipt requested, upon the department at the time the suit is started. The service constitutes service on the surety. The secretary shall transmit one copy of the complaint to the surety within five business days after the copy has been received.~~

~~(3) The secretary shall maintain a record, available for public inspection, of all suits commenced under this chapter under surety bonds, or the cash or other security deposited in lieu of the surety bond. In the event that any final judgment impairs the liability of the surety upon a bond so furnished or the amount of the deposit so that there is not in effect a bond undertaking or deposit in the full amount prescribed in this section, the department shall suspend the license or certificate until the bond undertaking or deposit in the required amount, unimpaired by unsatisfied judgment claims, has been furnished.~~

~~(4) If a judgment is entered against the deposit or security required under this chapter, the department shall, upon receipt of a certified copy of a final judgment, pay the judgment from the amount of the deposit or security).~~

Sec. 5. RCW 18.48.020 and 1996 c 81 s 4 are each amended to read as follows:

(1) The secretary shall register adult family home providers and resident managers.

(2) The secretary, by policy or rule, shall define terms and establish forms and procedures for registration applications, including the payment of registration fees pursuant to RCW 43.70.250. An

application for an adult family home resident manager or provider registration shall include at least the following information:

- (a) Name and address; and
- (b) If the provider is a corporation, copies of its articles of incorporation and current bylaws, together with the names and addresses of its officers and directors.

~~((3) The secretary shall adopt policies or rules to establish the registration periods, fees, and procedures. If the adult family home is sold or ownership or management is transferred, the registration shall be voided and the provider and resident manager shall apply for a new registration.))~~

Sec. 6. RCW 18.52.030 and 1992 c 53 s 3 are each amended to read as follows:

Nursing homes operating within this state shall be under the active, overall administrative charge and supervision of an on-site full-time administrator licensed as provided in this chapter. No person acting in any capacity, unless the holder of a nursing home administrator's license issued under this chapter, shall be charged with the overall responsibility to make decisions or direct actions involved in managing the internal operation of a nursing home, except as specifically delegated in writing by the administrator to identify a responsible person to act on the administrator's behalf when the administrator is absent. The administrator shall review the decisions upon the administrator's return and amend the decisions if necessary. The board shall define by rule the parameters for on-site full-time administrators in nursing homes with small resident populations and nursing homes in rural areas, or separately licensed facilities collocated on the same campus~~((, as well as provide for the administrative requirements for nursing homes that are temporarily without administrators))~~.

Sec. 7. RCW 18.83.135 and 1999 c 66 s 2 are each amended to read as follows:

In addition to the authority prescribed under RCW 18.130.050, the board shall have the following authority:

- (1) To maintain records of all activities, and to publish and distribute to all psychologists at least once each year abstracts of significant activities of the ~~((committee))~~ board;
- (2) To obtain the written consent of the complaining client or patient or their legal representative, or of any person who may be affected by the complaint, in order to obtain information which otherwise might be confidential or privileged; and
- (3) To apply the provisions of the uniform disciplinary act, chapter 18.130 RCW, to all persons licensed as psychologists under this chapter.

Sec. 8. RCW 18.92.013 and 1993 c 78 s 2 are each amended to read as follows:

(1) A veterinarian legally prescribing drugs may delegate to a registered veterinary medication clerk or a registered ~~((animal))~~ veterinary technician, while under the veterinarian's direct supervision, certain nondiscretionary functions defined by the board and used in the dispensing of legend and nonlegend drugs (except controlled substances as defined in or under chapter 69.50 RCW) associated with the practice of veterinary medicine. Upon final approval of the packaged prescription following a direct physical inspection of the packaged prescription for proper formulation, packaging, and labeling by the veterinarian, the veterinarian may delegate the delivery of the prescription to a registered veterinary medication clerk or registered ~~((animal))~~ veterinary technician, while under the veterinarian's indirect supervision. Dispensing of drugs by veterinarians, registered ~~((animal))~~ veterinary technicians, and registered veterinary medication clerks shall meet the applicable requirements of chapters 18.64, 69.40, 69.41, and 69.50 RCW and is subject to inspection by the board of pharmacy investigators.

(2) For the purposes of this section:

- (a) "Direct supervision" means the veterinarian is on the premises and is quickly and easily available; and
- (b) "Indirect supervision" means the veterinarian is not on the premises but has given written or oral instructions for the delegated task.

Sec. 9. RCW 18.92.015 and 1993 c 78 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"~~((Animal))~~ Veterinary technician" means a person who has successfully completed an examination administered by the board and who has either successfully completed a post high school course approved by the board in the care and treatment of animals or had five years' practical experience, acceptable to the board, with a licensed veterinarian.

"Board" means the Washington state veterinary board of governors.

"Department" means the department of health.

"Secretary" means the secretary of the department of health.

"Veterinary medication clerk" means a person who has satisfactorily completed a board-approved training program developed in consultation with the board of pharmacy and designed to prepare persons to perform certain nondiscretionary functions defined by the board and used in the dispensing of legend and nonlegend drugs (except controlled substances as defined in or under chapter 69.50 RCW) associated with the practice of veterinary medicine.

Sec. 10. RCW 18.92.030 and 1995 c 198 s 13 are each amended to read as follows:

The board shall develop and administer, or approve, or both, a licensure examination in the subjects determined by the board to be essential to the practice of veterinary medicine, surgery, and dentistry. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities. The board, under chapter 34.05 RCW, may adopt rules necessary to carry out the purposes of this chapter, including the performance of the duties and responsibilities of ~~((animal))~~ veterinary technicians and veterinary medication clerks. The rules shall be adopted in the interest of good veterinary health care delivery to the consuming public and shall not prevent ~~((animal))~~ veterinary technicians from inoculating an animal. The board also has the power to adopt by rule standards prescribing requirements for veterinary medical facilities and fixing minimum standards of continuing veterinary medical education.

The department is the official office of record.

Sec. 11. RCW 18.92.060 and 1995 c 317 s 2 are each amended to read as follows:

Nothing in this chapter applies to:

- (1) Commissioned veterinarians in the United States military services or veterinarians employed by Washington state and federal agencies while performing official duties;
- (2) A person practicing veterinary medicine upon his or her own animal;
- (3) A person advising with respect to or performing the castrating and dehorning of cattle, castrating and docking of sheep, castrating of swine, caponizing of poultry, or artificial insemination of animals;
- (4)(a) A person who is a regularly enrolled student in a veterinary school or training course approved under RCW 18.92.015 and performing duties or actions assigned by his or her instructors or working under the direct supervision of a licensed veterinarian during a school vacation period or (b) a person performing assigned duties under the supervision of a veterinarian within the established framework of an internship program recognized by the board;
- (5) A veterinarian regularly licensed in another state consulting with a licensed veterinarian in this state;
- (6) ~~((An animal))~~ A veterinary technician or veterinary medication clerk acting under the supervision and control of a licensed veterinarian. The practice of ~~((an animal))~~ a veterinary technician or veterinary medication clerk is limited to the performance of services which are authorized by the board;
- (7) An owner being assisted in practice by his or her employees when employed in the conduct of the owner's business;
- (8) An owner being assisted in practice by some other person gratuitously;
- (9) The implanting in their own animals of any electronic device for identifying animals by established humane societies and animal control organizations that provide appropriate training, as determined by the veterinary board of governors, and/or direct or indirect supervision by a licensed veterinarian;

(10) The implanting of any electronic device by a public fish and wildlife agency for the identification of fish or wildlife.

Sec. 12. RCW 18.92.125 and 1993 c 78 s 5 are each amended to read as follows:

No veterinarian who uses the services of ~~((an animal))~~ a veterinary technician or veterinary medication clerk shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine. A veterinarian retains professional and personal responsibility for any act which constitutes the practice of veterinary medicine as defined in this chapter when performed by ~~((an animal))~~ a veterinary technician or veterinary medication clerk in his or her employ.

Sec. 13. RCW 18.92.140 and 1996 c 191 s 79 are each amended to read as follows:

Each person now qualified to practice veterinary medicine, surgery, and dentistry, registered as ~~((an animal))~~ a veterinary technician, or registered as a veterinary medication clerk in this state or who becomes licensed or registered to engage in practice shall comply with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

Sec. 14. RCW 18.92.145 and 1996 c 191 s 80 are each amended to read as follows:

Administrative procedures, administrative requirements, and fees shall be established as provided in RCW 43.70.250 and 43.70.280 for the issuance, renewal, or administration of the following licenses, certificates of registration, permits, duplicate licenses, renewals, or examination:

- (1) For a license to practice veterinary medicine, surgery, and dentistry issued upon an examination given by the examining board;
- (2) For a license to practice veterinary medicine, surgery, and dentistry issued upon the basis of a license issued in another state;
- (3) For a certificate of registration as ~~((an animal))~~ a veterinary technician;
- (4) For a certificate of registration as a veterinary medication clerk;
- (5) For a temporary permit to practice veterinary medicine, surgery, and dentistry. The temporary permit fee shall be accompanied by the full amount of the examination fee; and
- (6) For a license to practice specialized veterinary medicine.

Sec. 15. RCW 18.120.020 and 1997 c 334 s 13 are each amended to read as follows:

The definitions ~~((contained))~~ in this section ~~((shall))~~ apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.
- (2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.
- (3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.
- (4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter

18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and ~~((animal))~~ veterinary technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; acupuncturists licensed under chapter 18.06 RCW; persons registered or certified under chapter 18.19 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter 18.88A RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 16. RCW 18.73.030 and 1990 c 269 s 23 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the meanings indicated.

(1) "Secretary" means the secretary of the department of health.

(2) "Department" means the department of health.

(3) "Committee" means the emergency medical services licensing and certification advisory committee.

(4) "Ambulance" means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

(5) "Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical procedure.

(6) "Emergency medical technician" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.081.

(7) ~~("Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.~~

~~(8) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.~~

~~(9) "Aid vehicle operator" means a person who owns one or more aid vehicles and operates them as a private business.~~

~~(10) "Aid director" means a person who is a director of a service which operates one or more aid vehicles provided by a volunteer organization or governmental agency.~~

~~((11)) "Ambulance service" means an organization that operates one or more ambulances.~~

~~(8) "Aid service" means an organization that operates one or more aid vehicles.~~

(9) "Emergency medical service" means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

~~((12))~~ (10) "Communications system" means a radio and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services and trauma care system.

~~((13))~~ (11) "Prehospital patient care protocols" means the written procedure adopted by the emergency medical services medical program director which direct the out-of-hospital emergency care of the emergency patient which includes the trauma care patient. These procedures shall be based upon the assessment of the patient's medical needs and what treatment will be provided for emergency conditions. The protocols shall meet or exceed state-wide minimum standards developed by the department in rule as authorized in chapter 70.168 RCW.

~~((14))~~ (12) "Patient care procedures" means written operating guidelines adopted by the regional emergency medical services and trauma care council, in consultation with the local emergency medical services and trauma care councils, emergency communication centers, and the emergency medical services medical program director, in accordance with state-wide minimum standards. The patient care procedures shall identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures in chapter 70.170 RCW.

~~((15))~~ (13) "Emergency medical services medical program director" means a person who is an approved medical program director as defined by RCW 18.71.205(4).

~~((16))~~ (14) "Council" means the local or regional emergency medical services and trauma care council as authorized under chapter 70.168 RCW.

~~((17))~~ (15) "Basic life support" means noninvasive emergency medical services requiring basic medical treatment skills as defined in chapter 18.73 RCW.

~~((18))~~ (16) "Advanced life support" means invasive emergency medical services requiring advanced medical treatment skills as defined by chapter 18.71 RCW.

~~((19))~~ (17) "First responder" means a person who is authorized by the secretary to render emergency medical care as defined by RCW 18.73.081.

Sec. 17. RCW 18.73.101 and 1987 c 214 s 9 are each amended to read as follows:

The secretary may grant a variance from a provision of this chapter and RCW 18.71.200 through 18.71.220 if no detriment to health and safety would result from the variance and compliance is expected to cause reduction or loss of existing emergency medical services. Variances may be granted for a period of no more than one year. A variance may be renewed by the secretary upon approval of the committee.

Sec. 18. RCW 18.73.130 and 1992 c 128 s 2 are each amended to read as follows:

An ambulance (~~operator, ambulance director, aid vehicle operator or aid director~~) service or aid service may not operate (~~a service~~) in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with the state-wide and regional emergency medical services and trauma care plans established pursuant to chapter 70.168 RCW, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

- (1) The United States government;
- (2) Ambulance (~~(operators and ambulance directors)~~) services providing service in other states when bringing patients into this state;
- (3) Owners of businesses in which ambulance or aid vehicles are used exclusively on company property but occasionally in emergencies may transport patients to hospitals not on company property; and
- (4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of two years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable and may be revoked if the service is found in violation of rules adopted by the department.

Sec. 19. RCW 18.73.140 and 1992 c 128 s 3 are each amended to read as follows:

The secretary shall issue an ambulance or aid vehicle license for each vehicle so designated. The license shall be for a period of two years and may be reissued on expiration if the vehicle and its equipment meet requirements in force at the time of expiration of the license period. The license may be revoked if the ambulance or aid vehicle is found to be operating in violation of the regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of ~~((anyone))~~ any organization not currently licensed as an ambulance or aid vehicle ~~((operator or director))~~ service. The license number shall be prominently displayed on each vehicle.

Sec. 20. RCW 70.168.020 and 1990 c 269 s 5 are each amended to read as follows:

(1) There is hereby created an emergency medical services and trauma care steering committee composed of representatives of individuals knowledgeable in emergency medical services and trauma care, including emergency medical providers such as physicians, nurses, hospital personnel, emergency medical technicians, paramedics, ambulance ~~((operators))~~ services, a member of the emergency medical services licensing and certification advisory committee, local government officials, state officials, consumers, and persons affiliated professionally with health science schools. The governor shall appoint members of the steering committee. Members shall be appointed for a period of three years. The department shall provide administrative support to the committee. All appointive members of the committee, in the performance of their duties, may be entitled to receive travel expenses as provided in RCW 43.03.050 and 43.03.060. The governor may remove members from the committee who have three unexcused absences from committee meetings. The governor shall fill any vacancies of the committee in a timely manner. The terms of those members representing the same field shall not expire at the same time.

The committee shall elect a chair and a vice-chair whose terms of office shall be for one year each. The chair shall be ineligible for reelection after serving four consecutive terms.

The committee shall meet on call by the governor, the secretary, or the chair.

(2) The emergency medical services and trauma care steering committee shall:

- (a) Advise the department regarding emergency medical services and trauma care needs throughout the state.
- (b) Review the regional emergency medical services and trauma care plans and recommend changes to the department before the department adopts the plans.
- (c) Review proposed departmental rules for emergency medical services and trauma care.
- (d) Recommend modifications in rules regarding emergency medical services and trauma care.

Sec. 21. RCW 71.12.455 and 1977 ex.s. c 80 s 43 are each amended to read as follows:

As used in this chapter, "establishment" and "institution" mean and include every private hospital, sanitarium, home, or other place receiving or caring for any mentally ill, ~~((or))~~ mentally incompetent person, or ~~((alcoholic))~~ chemically dependent person.

Sec. 22. RCW 71.12.460 and 1989 1st ex.s. c 9 s 226 are each amended to read as follows:

No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment as defined in this chapter without first having obtained a license therefor from the department of health, complied with rules adopted under this chapter, and ~~((having))~~ paid the license fee provided in this chapter. Any person who carries on, conducts, or attempts to carry on or conduct an establishment as defined in this chapter without first having obtained a license from the department of health, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this chapter shall be liable under the provisions of this chapter in the same manner and to the same effect as a private individual violating the same.

Sec. 23. RCW 71.12.470 and 1987 c 75 s 19 are each amended to read as follows:

Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department of health requires. The application shall be accompanied by the proper license fee. The amount of the license fee shall be established by the department of health under RCW ~~((43.20B.110))~~ 43.70.110.

Sec. 24. RCW 71.12.480 and 1989 1st ex.s. c 9 s 227 are each amended to read as follows:

The department of health shall not grant any such license until it has made an examination of all phases of the operation of the establishment necessary to determine compliance with rules adopted under this chapter including the premises proposed to be licensed and is satisfied that ~~((they))~~ the premises are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

Sec. 25. RCW 71.12.500 and 1989 1st ex.s. c 9 s 230 and 1989 c 175 s 137 are each reenacted and amended to read as follows:

The department of health may at any time examine and ascertain how far a licensed establishment is conducted in compliance with this chapter, the rules adopted under this chapter, and the requirements of the license therefor. If the interests of the patients of the establishment so demand, the department may, for just and reasonable cause, suspend, modify, or revoke any such license. RCW ~~((43.20A.205))~~ 43.70.115 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

Sec. 26. RCW 71.12.510 and 1959 c 25 s 71.12.510 are each amended to read as follows:

The department of health may at any time cause any establishment as defined in this chapter to be visited and examined.

Sec. 27. RCW 71.12.520 and 1989 1st ex.s. c 9 s 231 are each amended to read as follows:

Each such visit may include an inspection of every part of each establishment. The representatives of the department of health may make an examination of all records, methods of administration, the general and special dietary, the stores and methods of supply, and may cause an examination and diagnosis to be made of any person confined therein. The representatives of the department of health may examine to determine their fitness for their duties the officers, attendants, and other employees, and may talk with any of the patients apart from the officers and attendants.

NEW SECTION. **Sec. 28.** A new section is added to chapter 71.12 RCW to read as follows:

The department of health shall adopt rules for the licensing, operation, and inspections of establishments and institutions and the enforcement thereof.

Sec. 29. RCW 18.46.005 and 1951 c 168 s 1 are each amended to read as follows:

The purpose of this chapter is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of ~~((maternity homes))~~ birthing centers, which, in the light of advancing knowledge, will promote safe and adequate care and treatment of the individuals therein.

Sec. 30. RCW 18.46.010 and 1991 c 3 s 100 are each amended to read as follows:

(1) ~~(("Maternity home"))~~ "Birthing center" or "childbirth center" means any (home, place, hospital or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery)) health facility, not part of a hospital or in a hospital, that provides facilities and staff to support a birth service to low-risk maternity clients: PROVIDED, HOWEVER, That this chapter shall not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association, or its successor.

(2) ~~(("Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.~~

~~(3))~~ "Department" means the state department of health.

(3) "Low-risk" means normal, uncomplicated prenatal course as determined by adequate prenatal care and prospects for a normal uncomplicated birth as defined by reasonable and generally accepted criteria of maternal and fetal health.

(4) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

Sec. 31. RCW 18.46.020 and 1951 c 168 s 3 are each amended to read as follows:

After July 1, 1951, no person shall operate a ~~((maternity home))~~ birthing center in this state without a license under this chapter.

Sec. 32. RCW 18.46.040 and 1987 c 75 s 5 are each amended to read as follows:

Upon receipt of an application for a license and the license fee, the licensing agency shall issue a license if the applicant and the ~~((maternity home facilities))~~ birthing center meet the requirements established under this chapter. A license, unless suspended or revoked, shall be renewable annually. Applications for renewal shall be on forms provided by the department and shall be filed in the department not less than ten days prior to its expiration. Each application for renewal shall be accompanied by a license fee as established by the department under RCW 43.20B.110. Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 33. RCW 18.46.060 and 1985 c 213 s 10 are each amended to read as follows:

The department, after consultation with representatives of ~~((maternity home))~~ birthing center operators, state medical association, Washington Osteopathic Association, state nurses association, state hospital association, state midwives association, and any other representatives as the department may deem necessary, shall adopt, amend, and promulgate such rules and regulations with respect to all ~~((maternity homes))~~ birthing centers in the promotion of safe and adequate medical and nursing care ~~((of inmates))~~ in the ~~((maternity home))~~ birthing center and the sanitary, hygienic, and safe condition of the ~~((maternity home))~~ birthing center in the interest of the health, safety, and welfare of the people.

Sec. 34. RCW 18.46.070 and 1951 c 168 s 8 are each amended to read as follows:

Any ~~((maternity home))~~ birthing center which is in operation at the time of promulgation of any applicable rules or regulations under this chapter shall be given a reasonable time, under the particular circumstances, not to exceed three months from the date of such promulgation, to comply with the rules and regulations established under this chapter.

Sec. 35. RCW 18.46.080 and 1951 c 168 s 9 are each amended to read as follows:

The department shall make or cause to be made an inspection and investigation of all ~~((maternity homes))~~ birthing centers, and every inspection may include an inspection of every part of the premises. The department may make an examination of all records, methods of administration, the general and special dietary and the stores and methods of supply. The ~~((board))~~ department may prescribe by regulation that any licensee or applicant desiring to make specified types of alteration or addition to its facilities or to construct new facilities shall before commencing such alterations, addition, or new construction submit plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with regulations and standards herein authorized. Necessary conferences and consultations may be provided.

Sec. 36. RCW 18.46.090 and 1951 c 168 s 10 are each amended to read as follows:

All information received by the department through filed reports, inspection, or as otherwise authorized under this chapter shall not be disclosed publicly in any manner as to identify individuals or ~~((maternity homes))~~ birthing centers except in a proceeding involving the question of licensure.

Sec. 37. RCW 18.46.110 and 1995 c 369 s 5 are each amended to read as follows:

Fire protection with respect to all ~~((maternity homes))~~ birthing centers to be licensed hereunder, shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall adopt by reference, such recognized standards as may be applicable to nursing homes, places of refuge, and ~~((maternity homes))~~ birthing centers for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the ~~((maternity home))~~ birthing center to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the department as to the manner in which the premises may qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the ~~((maternity home))~~ birthing center to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made such inspection of such ~~((maternity homes))~~ birthing centers as he or she deems necessary.

In cities which have in force a comprehensive building code, the regulation of which is equal to the minimum standards of the code for ~~((maternity homes))~~ birthing centers adopted by the chief of the Washington state patrol, through the director of fire protection, the building inspector and the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection and shall approve the premises before a license can be issued.

In cities where such building codes are in force, the chief of the Washington state patrol, through the director of fire protection, may, upon request by the chief fire official, or the local governing body, or of a taxpayer of such city, assist in the enforcement of any such code pertaining to ~~((maternity homes))~~ birthing centers.

Sec. 38. RCW 18.46.120 and 1951 c 168 s 13 are each amended to read as follows:

Any person operating or maintaining any ~~((maternity home))~~ birthing center without a license under this chapter shall be guilty of a misdemeanor. Each day of a continuing violation after conviction shall be considered a separate offense.

Sec. 39. RCW 18.46.130 and 1951 c 168 s 14 are each amended to read as follows:

Notwithstanding the existence or use of any other remedy, the department may in the manner provided by law, upon the advice of the attorney general who shall represent the department in all proceedings, maintain an action in the name of the state for an injunction or other process against any person to restrain or prevent the operation or maintenance of a ~~((maternity home))~~ birthing center not licensed under this chapter.

Sec. 40. RCW 18.46.140 and 1951 c 168 s 15 are each amended to read as follows:

Nothing in this chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial and nursing care of ~~((residents or))~~ patients in any ~~((maternity home))~~ birthing center as defined in this chapter, conducted for or by members of a recognized religious sect, denomination, or organization which in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion, nor shall the existence of any of the above conditions militate against the licensing of such ~~((home or institution))~~ facility.

Sec. 41. RCW 18.57A.070 and 1977 ex.s. c 233 s 1 are each amended to read as follows:

~~((1) The performance of acupuncture for the purpose of demonstration, therapy, or the induction of analgesia by a person licensed under this chapter shall be within the scope of practice authorized: PROVIDED, HOWEVER, That a person licensed to perform acupuncture under this section shall only do so under the direct supervision of a licensed osteopathic physician.~~

~~(2) The board shall determine the qualifications of a person authorized to perform acupuncture under subsection (1) of this section. In establishing a procedure for certification of such practitioners the board shall consider a license or certificate which acknowledges that the person has the qualifications to practice acupuncture issued by the government of the Republic of China (Taiwan), the Peoples' Republic of China, British Crown Colony of Hong Kong, Korea, Great Britain, France, the Federated Republic of Germany (West Germany), Italy, Japan, or any other country or state which has generally equivalent standards of practices of acupuncture as determined by the board as evidence of such qualification.~~

~~(3) As used in this section "acupuncture" means the insertion of needles into the human body by piercing the skin of the body for the purpose of relieving pain, treating disease, or to produce analgesia, or as further defined by rules and regulations of the board.)~~ Any physician assistant acupuncturist currently licensed as a physician assistant may continue to perform acupuncture under the physician assistant license as long as he or she maintains licensure as a physician assistant.

Sec. 42. RCW 18.84.020 and 1994 sp.s. c 9 s 505 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health.

(3) "Licensed practitioner" means any licensed health care practitioner performing services within the person's authorized scope of practice.

(4) "Radiologic technologist" means an individual certified under this chapter, other than a licensed practitioner, who practices radiologic technology as a:

(a) Diagnostic radiologic technologist, who is a person who actually handles x-ray equipment in the process of applying radiation on a human being for diagnostic purposes at the direction of a licensed practitioner, this includes parenteral procedures related to radiologic technology when performed under the direct supervision of a physician licensed under chapter 18.71 or 18.57 RCW; or

(b) Therapeutic radiologic technologist, who is a person who uses radiation-generating equipment for therapeutic purposes on human subjects at the direction of a licensed practitioner, this includes parenteral procedures related to radiologic technology when performed under the direct supervision of a physician licensed under chapter 18.71 or 18.57 RCW; or

(c) Nuclear medicine technologist, who is a person who prepares radiopharmaceuticals and administers them to human beings for diagnostic and therapeutic purposes and who performs in vivo

and in vitro detection and measurement of radioactivity for medical purposes at the direction of a licensed practitioner.

(5) "Approved school of radiologic technology" means a school of radiologic technology approved by the council on medical education of the American medical association or a school found to maintain the equivalent of such a course of study as determined by the department. Such school may be operated by a medical or educational institution, and for the purpose of providing the requisite clinical experience, shall be affiliated with one or more general hospitals.

(6) "Radiologic technology" means the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes.

(7) "Radiologist" means a physician certified by the American board of radiology or the American osteopathic board of radiology.

(8) "Registered x-ray technician" means a person who is registered with the department, and who applies ionizing radiation at the direction of a licensed practitioner and who does not perform parenteral procedures.

Sec. 43. RCW 18.89.140 and 1997 c 334 s 11 are each amended to read as follows:

Licenses shall be renewed according to administrative procedures, administrative requirements, continuing education requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280. A minimum of thirty hours of continuing education approved by the secretary must be completed every two years to meet the continuing education requirements under this section.

NEW SECTION. **Sec. 44.** The following acts or parts of acts are each repealed:

- (1) RCW 18.48.040 (Multiple facility operators--Registration) and 1996 c 81 s 3;
- (2) RCW 18.83.910 (Examining board--Termination) and 1994 c 35 s 6, 1990 c 297 s 7, 1988 c 288 s 8, 1986 c 27 s 11, 1985 c 7 s 109, & 1984 c 279 s 94; and
- (3) RCW 18.83.911 (Examining board--Repeal) and 1994 c 35 s 7 & 1990 c 297 s 8.

NEW SECTION. **Sec. 45.** Sections 1 and 3 of this act expire January 1, 2003.

NEW SECTION. **Sec. 46.** Sections 2 and 4 of this act take effect January 1, 2003."

On page 1, line 3 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 18.35.240, 18.35.240, 18.35.250, 18.35.250, 18.48.020, 18.52.030, 18.83.135, 18.92.013, 18.92.015, 18.92.030, 18.92.060, 18.92.125, 18.92.140, 18.92.145, 18.120.020, 18.73.030, 18.73.101, 18.73.130, 18.73.140, 70.168.020, 71.12.455, 71.12.460, 71.12.470, 71.12.480, 71.12.510, 71.12.520, 18.46.005, 18.46.010, 18.46.020, 18.46.040, 18.46.060, 18.46.070, 18.46.080, 18.46.090, 18.46.110, 18.46.120, 18.46.130, 18.46.140, 18.57A.070, 18.84.020, and 18.89.140; reenacting and amending RCW 71.12.500; adding a new section to chapter 71.12 RCW; repealing RCW 18.48.040, 18.83.910, and 18.83.911; providing an effective date; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2452 and advanced the bill as amended by the Senate to final passage.

Representatives Cody and Parlette spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2452 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2452 as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Schmidt - 1.

House Bill No. 2452, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 28, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2466 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that some nonindigenous species have the potential to cause economic and environmental damage to the state and that current efforts to stop the introduction of nonindigenous species from shipping vessels do not adequately reduce the risk of new introductions into Washington waters.

The legislature recognizes the international ramifications and the rapidly changing dimensions of this issue, and the difficulty that any one state has in either legally or practically managing this issue. Recognizing the possible limits of state jurisdiction over international issues, the state declares its support for the international maritime organization and United States coast guard efforts, and the state intends to complement, to the extent its powers allow it, the United States coast guard's ballast water management program.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ballast tank" means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(2) "Ballast water" means any water and matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried.

(3) "Empty/refill exchange" means to pump out, until the tank is empty or as close to empty as the master or operator determines is safe, the ballast water taken on in ports, estuarine, or territorial waters, and then refilling the tank with open sea waters.

(4) "Exchange" means to replace the water in a ballast tank using either flow through exchange, empty/refill exchange, or other exchange methodology recommended or required by the United States coast guard.

(5) "Flow through exchange" means to flush out ballast water by pumping in midocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water have been changed to minimize the number of original organisms remaining in the tank.

(6) "Nonindigenous species" means any species or other viable biological material that enters an ecosystem beyond its natural range.

(7) "Open sea exchange" means an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

(8) "Recognized marine trade association" means those trade associations in Washington state that promote improved ballast water management practices by educating their members on the provisions of this chapter, participating in regional ballast water coordination through the Pacific ballast water group, assisting the department in the collection of ballast water exchange forms, and the monitoring of ballast water. This includes members of the Puget Sound marine committee for Puget Sound and the Columbia river steamship operators association for the Columbia river.

(9) "Sediments" means any matter settled out of ballast water within a vessel.

(10) "Untreated ballast water" includes exchanged or unexchanged ballast water that has not undergone treatment.

(11) "Vessel" means a self-propelled ship in commerce of three hundred gross tons or more.

(12) "Voyage" means any transit by a vessel destined for any Washington port.

(13) "Waters of the state" means any surface waters, including internal waters contiguous to state shorelines within the boundaries of the state.

NEW SECTION. Sec. 3. (1) This chapter applies to all vessels carrying ballast water into the waters of the state from a voyage, except:

(a) A vessel of the United States department of defense or United States coast guard subject to the requirements of section 1103 of the national invasive species act of 1996, or any vessel of the armed forces, as defined in 33 U.S.C. Sec. 1322(a)(14), that is subject to the uniform national discharge standards for vessels of the armed forces under 33 U.S.C. Sec. 1322(n);

(b) A vessel (i) that discharges ballast water or sediments only at the location where the ballast water or sediments originated, if the ballast water or sediments do not mix with ballast water or sediments from areas other than open sea waters; or (ii) that does not discharge ballast water in Washington waters;

(c) A vessel traversing the internal waters of Washington in the Strait of Juan de Fuca, bound for a port in Canada, and not entering or departing a United States port, or a vessel in innocent passage, which is a vessel merely traversing the territorial sea of the United States and not entering or departing a United States port, or not navigating the internal waters of the United States; and

(d) A crude oil tanker that does not exchange or discharge ballast water into the waters of the state.

(2) This chapter does not authorize the discharge of oil or noxious liquid substances in a manner prohibited by state, federal, or international laws or regulations. Ballast water containing oil, noxious liquid substances, or any other pollutant shall be discharged in accordance with the applicable requirements.

(3) The master or operator in charge of a vessel is responsible for the safety of the vessel, its crew, and its passengers. Nothing in this chapter relieves the master or operator in charge of a vessel of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers.

NEW SECTION. Sec. 4. The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

(1) Discharge into waters of the state is authorized if the vessel has conducted an open sea exchange of ballast water. A vessel is exempt from this requirement if the vessel's master reasonably determines that such a ballast water exchange operation will threaten the safety of the vessel or the vessel's crew, or is not feasible due to vessel design limitations or equipment failure. If a vessel relies

on this exemption, then it may discharge ballast water into waters of the state, subject to any requirements of treatment under subsection (2) of this section and subject to section 5 of this act.

(2) After July 1, 2002, discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange or if the vessel has treated its ballast water to meet standards set by the department. When weather or extraordinary circumstances make access to treatment unsafe to the vessel or crew, the master of a vessel may delay compliance with any treatment required under this subsection until it is safe to complete the treatment.

(3) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington state, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

(4) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

NEW SECTION. Sec. 5. The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control complies with the reporting and sampling requirements of this section.

(1) Vessels covered by this chapter must report ballast water management information to the department using ballast water management forms that are acceptable to the United States coast guard. The frequency, manner, and form of such reporting shall be established by the department by rule. Any vessel may rely on a recognized marine trade association to collect and forward this information to the department.

(2) In order to monitor the effectiveness of national and international efforts to prevent the introduction of nonindigenous species, all vessels covered by this chapter must submit nonindigenous species ballast water monitoring data. The monitoring, sampling, testing protocols, and methods of identifying nonindigenous species in ballast water shall be determined by the department by rule. A vessel covered by this chapter may contract with a recognized marine trade association to randomly sample vessels within that association's membership, and provide data to the department.

(3) Vessels that do not belong to a recognized marine trade association must submit individual ballast tank sample data to the department for each voyage.

(4) All data submitted to the department under subsection (2) of this section shall be consistent with sampling and testing protocols as adopted by the department by rule.

(5) The department shall adopt rules to implement this section. The rules and recommendations shall be developed in consultation with advisors from regulated industries and the potentially affected parties, including but not limited to shipping interests, ports, shellfish growers, fisheries, environmental interests, interested citizens who have knowledge of the issues, and appropriate governmental representatives including the United States coast guard.

(a) The department shall set standards for the discharge of treated ballast water into the waters of the state. The rules are intended to ensure that the discharge of treated ballast water poses minimal risk of introducing nonindigenous species. In developing this standard, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards shall be compatible with standards set by the United States coast guard and shall be developed in consultation with federal and state agencies to ensure consistency with the federal clean water act, 33 U.S.C. Sec. 1251-1387.

(b) The department shall adopt ballast water sampling and testing protocols for monitoring the biological components of ballast water that may be discharged into the waters of the state under this chapter. Monitoring data is intended to assist the department in evaluating the risk of new, nonindigenous species introductions from the discharge of ballast water, and to evaluate the accuracy of ballast water exchange practices. The sampling and testing protocols must consist of cost-effective, scientifically verifiable methods that, to the extent practical and without compromising the purposes of this chapter, utilize easily measured indices, such as salinity, or check for species that indicate the potential presence of nonindigenous species or pathogenic species. The department shall specify appropriate quality assurance and quality control for the sampling and testing protocols.

NEW SECTION. **Sec. 6.** The shipping vessel industry, the public ports, and the department shall promote the creation of a pilot project to establish a private sector ballast water treatment operation that is capable of servicing vessels at all Washington ports. Federal and state agencies and private industries shall be invited to participate. The project will develop equipment or methods to treat ballast water and establish operational methods that do not increase the cost of ballast water treatment at smaller ports. The legislature intends that the cost of treatment required by this chapter is substantially equivalent among large and small ports in Washington.

NEW SECTION. **Sec. 7.** The legislature recognizes that international and national laws relating to this chapter are changing and that state law must adapt accordingly. The department shall submit to the legislature, and make available to the public, a report that summarizes the results of this chapter and makes recommendations for improvement to this chapter on or before December 1, 2001, and a second report on or before December 1, 2004. The 2001 report shall describe how the costs of treatment required as of July 1, 2002, will be substantially equivalent among ports where treatment is required. The department shall strive to fund the provisions of this chapter through existing resources, cooperative agreements with the maritime industry, and federal funding sources.

NEW SECTION. **Sec. 8.** (1) Except as limited by subsection (2) or (3) of this section, the director or the director's designee may impose a civil penalty or warning for a violation of the requirements of this chapter on the owner or operator in charge of a vessel who fails to comply with the requirements imposed under sections 4 and 5 of this act. The penalty shall not exceed five thousand dollars for each violation. In determining the amount of a civil penalty, the department shall consider if the violation was intentional, negligent, or without any fault, and shall consider the quality and nature of risks created by the violation. The owner or operator subject to such a penalty may contest the determination by requesting an adjudicative proceeding within twenty days. Any determination not timely contested is final and may be reduced to a judgment enforceable in any court with jurisdiction. If the department prevails using any judicial process to collect a penalty under this section, the department shall also be awarded its costs and reasonable attorneys' fees.

(2) The civil penalty for a violation of reporting requirements of section 5 of this act shall not exceed five hundred dollars per violation.

(3) Any owner or operator who knowingly, and with intent to deceive, falsifies a ballast water management report form is liable for a civil penalty in an amount not to exceed five thousand dollars per violation, in addition to any criminal liability that may attach to the filing of false documents.

(4) The department, in cooperation with the United States coast guard, may enforce the requirements of this chapter.

NEW SECTION. **Sec. 9.** By December 31, 2005, the natural resources committees of the legislature must review this chapter and its implementation and make recommendations if needed to the 2006 regular session of the legislature.

NEW SECTION. **Sec. 10.** The departments of fish and wildlife and ecology shall invite representatives from the United States department of defense to discuss ways of improving ballast water management in Washington state. The departments, in cooperation with the United States coast guard shall seek input from other coastal states and the Province of British Columbia in conducting the study and in formulating recommendations. The departments shall provide the most appropriate forum to stimulate dialogue which can result in specific policies and action protocols. The departments shall make recommendations concerning proposals for laws and rules that will guarantee the same level of public and private compliance to protect the marine environment. The legislature wishes to ensure that vessels exempted from this act by section 3(1)(a) of this act are taking adequate precautions to prevent the introduction of nonindigenous species into the waters of the state. The departments of fish and wildlife and ecology shall submit a report to the legislature by December 31, 2001, summarizing the results of these discussions.

NEW SECTION. **Sec. 11.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 12.** Sections 1 through 9 and 11 of this act constitute a new chapter in Title 75 RCW."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "adding a new chapter to Title 75 RCW; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2466 and advanced the bill as amended by the Senate to final passage.

Representatives Regala and Buck spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2466 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2466 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 2466, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 29, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2644 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.50.300 and 1996 c 4 s 2 are each amended to read as follows:

(1) This section applies only to unfinished nuclear power projects (~~(that are not located on federal property)~~). If a certificate holder stops construction of a nuclear energy facility before completion, terminates the project or otherwise resolves not to complete construction, never introduces or stores fuel for the energy facility on the site, and never operates the energy facility as designed to produce energy, the certificate holder may contract, establish interlocal agreements, or use other formal means to effect the transfer of site restoration responsibilities, which may include economic development activities, to any political subdivision or subdivisions of the state composed of elected officials. The contracts, interlocal agreements, or other formal means of cooperation may include, but are not limited to provisions effecting the transfer or conveyance of interests in the site and energy facilities from the certificate holder to other political subdivisions of the state, including costs of maintenance and security, capital improvements, and demolition and salvage of the unused energy facilities and infrastructure.

(2) If a certificate holder transfers all or a portion of the site to a political subdivision or subdivisions of the state composed of elected officials and located in the same county as the site, the council shall amend the site certification agreement to release those portions of the site (~~(that are transferred pursuant to this section)~~) that it finds are no longer intended for the development of an energy facility.

Immediately upon release of all or a portion of the site pursuant to this section, all responsibilities for maintaining the public welfare for portions of the site transferred, including but not limited to health and safety, are transferred to the political subdivision or subdivisions of the state. For sites located on federal land, all responsibilities for maintaining the public welfare for all of the site, including but not limited to health and safety, must be transferred to the political subdivision or subdivisions of the state irrespective of whether all or a portion of the site is released.

(3) The legislature finds that for all or a portion of sites that have been transferred to a political subdivision or subdivisions of the state prior to September 1, 1999, ensuring water for site restoration including economic development, completed pursuant to this section can best be accomplished by a transfer of existing surface water rights, and that such a transfer is best accomplished administratively through procedures set forth in existing statutes and rules. However, if a transfer of water rights is not possible, the department of ecology shall, within six months of the transfer of the site or portion thereof pursuant to subsection (1) of this section, create a trust water right under chapter 90.42 RCW containing between ten and twenty cubic feet per second for the benefit of the appropriate political subdivision or subdivisions of the state. The trust water right shall be used in fulfilling site restoration responsibilities, including economic development. The trust water right shall be from existing valid water rights within the basin where the site is located.

(4) For purposes of this section, "political subdivision or subdivisions of the state" means a city, town, county, public utility district, port district, or joint operating agency."

On page 1, line 4 of the title, after "sites;" strike the remainder of the title and insert "and amending RCW 80.50.300."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2644 and advanced the bill as amended by the Senate to final passage.

Representative Delvin spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2644 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2644 as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Schmidt - 1.

Substitute House Bill No. 2644, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 29, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2684 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.150 RCW to read as follows:

In order to effectively serve students who are under the jurisdiction of the juvenile justice system as dependent pursuant to chapter 13.34 RCW, education records shall be released upon request to the department of social and health services provided that the department of social and health services certifies that it will not disclose to any other party the education records without prior written consent of the parent or student unless authorized to disclose the records under state law. The department of social and health services is authorized to disclose education records it obtains pursuant to this section to a foster parent, guardian, or other entity authorized by the department of social and health services to provide residential care to the student.

Sec. 2. RCW 74.13.285 and 1997 c 272 s 5 are each amended to read as follows:

(1) Within available resources, the department shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to section 1 of this act. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements after July 1, 1997, shall have first priority in the preparation of passports. Within available resources, the department may prepare passports for any child in a foster home on July 1, 1997, provided that no time spent in a foster home before July 1, 1997, shall be included in the computation of the ninety days.

(2) In addition to the requirements of subsection (1) of this section, the department shall, within available resources, notify a foster parent before placement of a child of any known health conditions

that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider for any unauthorized disclosures caused by the department."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.13.285; and adding a new section to chapter 28A.150 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2684 and advanced the bill as amended by the Senate to final passage.

Representatives D. Sommers and Tokuda spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2684 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2684 as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Excused: Representative Schmidt - 1.

House Bill No. 2684, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 29, 2000

Mr. Speaker:

The Senate has passed Engrossed House Bill No. 2995 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.60.005 and 1994 c 178 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the state department of agriculture or the director's authorized representative.
- (3) "Apiary" means a site where hives of bees or hives are kept or found.
- (4) ~~("Abandoned hive" means any hive, with or without bees, that evidences a lack of being properly managed in that it has not been supered in the spring, except nucs, or unsupered in the fall, or is otherwise unmanaged and left without authorization and unattended on the property of another person or on public land.~~
- ~~(5))~~ (5) "Apiarist" means any person who owns bees or is a keeper of bees in Washington.
- ~~((6) "Beekeeping equipment" means any implements or devices used in the manipulation of bees, their brood, or hives in an apiary.~~
- ~~(7))~~ (5) "Bees" means adult insects, eggs, larvae, pupae, or other immature stages of the species *Apis mellifera*.
- ~~((8) "Certificate" or "certificate of inspection" means an official document certifying compliance with the requirements of this chapter and accompanying the movement of inspected bees, bee hives, or beekeeping equipment.~~
- ~~(9))~~ (6) "Colony" refers to a natural group of bees having a queen or queens.
- ~~((10) "Compliance agreement" means a written agreement between the department and a person engaged in apiculture, or handling, selling, or moving of hives or beekeeping equipment in which the person agrees to comply with stipulated requirements.~~
- ~~(11) "Feral colony" means a colony of bees in a natural cavity or a manufactured structure not intended for the keeping of bees on movable frames and comb.~~
- ~~(12) "Swarm" means a natural group of bees having a queen or queens, which is the progeny of a parent colony, without a hive, and not a feral colony.~~
- ~~(13) "Disease" means American foulbrood, European foulbrood, chalkbrood, nosema, saebrood, or any other viral, fungal, bacterial or insect related disease affecting bees or their brood.~~
- ~~(14) "Regulated bee pests" means a disease of bees for which maximum allowable limits of infection, or mites, or other parasites are set in rule.~~
- ~~(15))~~ (7) "Hive" means a manufactured receptacle or container prepared for the use of bees, that includes movable frames, combs, and substances deposited into the hive by bees.
- ~~((16))~~ (8) "Person" means a natural person, individual, firm, partnership, company, society, association, corporation or every officer, agent, or employee of one of these entities.
- ~~((17) "Bee pests" means a disease, mite, or other parasite that causes injury to bees.~~
- ~~(18) "Nets" means a device that is made of fabricated material and that is designed and utilized to prevent the escape of bees from bee hives during transit.~~
- ~~(19) "Apparently free" means no specified bee pest was found during inspection of survey activities.~~
- ~~(20) "Substantially free" means levels of specified bee pests found during inspection or survey activities were within established tolerances.~~
- ~~(21) "Africanized honey bee" means any bee of the subspecies *Apis mellifera scutellata*.~~
- ~~(22) "Super" means the portion of a hive in which honey is stored by bees.~~
- ~~(23))~~ (9) "Broker" means a person(,) who is engaged in pollinating agricultural crops(,) for a fee using hives that are owned by another person.
- ~~((24) "Grower" means a person engaged in producing agricultural crops, and a user of honey bees for pollination of the crops.)~~

Sec. 2. RCW 15.60.010 and 1994 c 178 s 3 are each amended to read as follows:

~~((An apiary advisory committee is established to advise the director on the administration of this chapter. The apiary advisory committee may consist of up to eleven members.~~

~~(1) The committee shall include six apiarists, appointed by the director, and representing the major geographical divisions of the beekeeping industry in the state as established in rule. In making an appointment, the director shall seek nominations from the beekeepers' organizations within the geographic area and from nonaffiliated apiarists. Apiarists may nominate themselves.~~

~~(2) The committee shall include the director and a representative from the Washington State University apiary program or cooperative extension.~~

~~(3) The committee may include up to three representatives of receivers of pollination services.~~

~~(4) The terms of the apiarist members of the committee shall be staggered and the members shall serve a term of three years and until their successors have been appointed and qualified.~~

~~In the event a committee member resigns, is disqualified, or vacates a position on the committee for any reason, the vacancy shall be filled by the director under the provisions of this section.~~

(5)) The director may establish an apiary advisory committee including members representing the major segments of the apiary industry including commercial and noncommercial beekeepers, representatives from the Washington State University apiary program or cooperative extension, and receivers of pollination services as deemed appropriate.

The committee shall advise the director on administration of this chapter and issues affecting the apiary industry. The committee may also advise the director on the funding of research projects of benefit to the apiary industry.

The committee shall meet ~~((at least once yearly. It may also meet))~~ at the call of the director ~~((or the request of any three members of the committee))~~. Members of the committee shall serve without compensation but ~~((shall))~~ may be reimbursed for travel expenses incurred in attending meetings of the committee and any other official duty authorized ~~((by the committee and approved))~~ by the director, pursuant to RCW 43.03.050 and 43.03.060~~((, if apiarists are charged a registration fee, under RCW 15.60.050, to cover the expenses of the committee))~~.

Sec. 3. RCW 15.60.050 and 1994 c 178 s 6 are each amended to read as follows:

(1) Each person owning one or more hives with bees, brokers ~~((of))~~ renting hives, and ~~((beekeepers))~~ apiarists resident in other states who operate hives in Washington~~((,))~~ shall register with the director ~~((on or before))~~ by April 1st each year.

~~((+))~~ (2) The registration application shall include:

(a) The name, address, and phone number of the ~~((owner))~~ apiarist or broker~~((,))~~;

(b) The number of colonies of bees to be owned, brokered, or operated in Washington~~((, and such))~~ that year;

(c) A registration fee as ~~((may be))~~ prescribed in rule ~~((under subsection (2) of this section.))~~ by the director, with the advice of the apiary advisory committee; and

(d) Any other information required by the department by rule.

(3) The director shall issue to each ~~((resident))~~ apiarist or broker registered with the department an apiarist identification number. ~~((The apiarist identification number shall be displayed on hives of an apiary in a manner prescribed by the director in rule.~~

~~(2) A registration fee may be set in rule by the director, with the advice of the apiary advisory committee. The fee shall be used for covering the expenses of the apiary advisory committee and may be used for supporting the industry apiary program of the department or funding research projects of benefit to the apiary industry that the director may select upon the advice of the apiary advisory committee.)~~

Sec. 4. RCW 15.60.043 and 1994 c 178 s 5 are each amended to read as follows:

~~((The inspection fees, registration fees, pollination service fees, and other charges provided in this chapter shall become due and payable upon billing by the department.))~~ A late ~~((charge))~~ fee of one and one-half percent per month shall be assessed on ~~((the unpaid balance against persons more than thirty days in arrears. In addition to any other penalties, the director may refuse to perform an inspection or certification service for a person in arrears unless the person makes payment in full prior to such inspection or certification service))~~ registration fees received after April 1st.

Sec. 5. RCW 15.60.040 and 1994 c 178 s 4 are each amended to read as follows:

~~((1) There is hereby established a fee on the use, by growers of agricultural crops, of bee pollination services provided by others. This pollination service fee is in the amount of fifty cents for each setting of each hive containing a colony that is used by the grower. The fee shall be paid by the~~

~~grower using the service, shall be collected by the beekeeper providing the service, and shall be remitted by the beekeeper to the department as provided by rules adopted by the director. All such fees shall be deposited in the industry apiary program account. Revenues from these fees shall be directed to use in providing services to the apiary industry that assist in ensuring the vitality and availability of bees for commercial pollination services for the agricultural industry.~~

~~(2) There is established an industry apiary program account within the agricultural local fund.) All money collected under this chapter ((including fees for requested services, required inspections, or treatments, registration fees, and apiary assessments)) shall be placed in ((the industry apiary program)) an account in the agricultural local fund. Money in the account ((~~may only~~)) shall be used to carry out the purposes of this chapter and may be used for apiary-related activities of the department or funding research projects of benefit to the apiary industry that the director may select upon the advice of the apiary advisory committee. No appropriation is required for disbursement from the ((~~industry apiary program~~)) account.~~

Sec. 6. RCW 17.24.007 and 1991 c 257 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the state department of agriculture.

(2) "Director" means the director of the state department of agriculture or the director's designee.

(3) "Quarantine" means a rule issued by the department that prohibits or regulates the movement of articles, bees, plants, or plant products from designated quarantine areas within or outside the state to prevent the spread of disease, plant pathogens, or pests to nonquarantine areas.

(4) "Plant pest" means a living stage of an insect, mite, nematode, slug, snail, or protozoa, or other invertebrate animal, bacteria, fungus, or parasitic plant, or their reproductive parts, or viruses, or an organism similar to or allied with any of the foregoing plant pests, including a genetically engineered organism, or an infectious substance that can directly or indirectly injure or cause disease or damage in plants or parts of plants or in processed, manufactured, or other products of plants.

(5) "Plants and plant products" means trees, shrubs, vines, forage, and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from the plants and plant products.

(6) "Certificate" or "certificate of inspection" means an official document certifying compliance with the requirements of this chapter. The term "certificate" includes labels, rubber stamp imprints, tags, permits, written statements, or a form of inspection and certification document that accompanies the movement of inspected and certified plant material and plant products, or bees, bee hives, or beekeeping equipment.

(7) "Compliance agreement" means a written agreement between the department and a person engaged in growing, handling, or moving articles, plants, plant products, or bees, bee hives, or beekeeping equipment regulated under this chapter, in which the person agrees to comply with stipulated requirements.

(8) "Distribution" means the movement of a regulated article from the property where it is grown or kept, to property that is not contiguous to the property, regardless of the ownership of the properties.

(9) "Genetically engineered organism" means an organism altered or produced through genetic modification from a donor, vector, or recipient organism using recombinant DNA techniques, excluding those organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs. 301-392).

(10) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee of any of these entities.

(11) "Sell" means to sell, to hold for sale, offer for sale, handle, or to use as inducement for the sale of another article or product.

(12) "Noxious weed" means a living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plant of a kind that presents a threat to Washington agriculture or environment.

(13) "Regulated article" means a plant or plant product, bees or beekeeping equipment, noxious weed or other articles or equipment capable of harboring or transporting plant or bee pests or noxious weeds that is specifically addressed in rules or quarantines adopted under this chapter.

(14) "Owner" means the person having legal ownership, possession, or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, or their agent.

(15) "Nuisance" means a plant, or plant part, apiary, or property found in a commercial area on which is found a pest, pathogen, or disease that is a source of infestation to other properties.

(16) "Bees" means ~~((honey producing insects of the species *apis mellifera* and includes the adults, eggs, larvae, pupae, and other immature stages of))~~ adult insects, eggs, larvae, pupae, or other immature stages of the species *Apis mellifera*.

(17) "Bee pests" means a mite, other parasite, or disease that causes injury to bees and those honey bees generally recognized to have undesirable behavioral characteristics such as or as found in Africanized honey bees.

(18) "Biological control" means the use by humans of living organisms to control or suppress undesirable animals and plants; the action of parasites, predators, or pathogens on a host or prey population to produce a lower general equilibrium than would prevail in the absence of these agents.

(19) "Biological control agent" means a parasite, predator, or pathogen intentionally released, by humans, into a target host or prey population with the intent of causing population reduction of that host or prey.

(20) "Emergency" means a situation where there is an imminent danger of an infestation of plant pests or disease that seriously threatens the state's agricultural or horticultural industries or environment and that cannot be adequately addressed with normal procedures or existing resources.

NEW SECTION. **Sec. 7.** The following sections are recodified within chapter 15.60 RCW in the following order:

RCW 15.60.005
RCW 15.60.010
RCW 15.60.050
RCW 15.60.043
RCW 15.60.040
RCW 15.60.170
RCW 15.60.180
RCW 15.60.190
RCW 15.60.210
RCW 15.60.220
RCW 15.60.900

NEW SECTION. **Sec. 8.** The following acts or parts of acts are each repealed:

- (1) RCW 15.60.007 (Industry apiary program) and 1994 c 178 s 2, 1993 c 89 s 2, & 1988 c 4 s 14;
- (2) RCW 15.60.015 (Bee pests--Control--Quarantine) and 1993 c 89 s 4, 1988 c 4 s 2, 1977 ex.s. c 362 s 2, & 1961 c 11 s 15.60.015;
- (3) RCW 15.60.020 (Abandoned hives--Impoundment) and 1993 c 89 s 5, 1988 c 4 s 3, 1975-'76 2nd ex.s. c 34 s 17, & 1961 c 11 s 15.60.020;
- (4) RCW 15.60.025 (Specific rule-making authority) and 1993 c 89 s 6, 1988 c 4 s 4, & 1977 ex.s. c 362 s 8;
- (5) RCW 15.60.030 (Bringing bees or equipment into state--Requirements) and 1993 c 89 s 7, 1988 c 4 s 5, 1981 c 296 s 7, 1977 ex.s. c 362 s 3, 1965 c 44 s 1, & 1961 c 11 s 15.60.030;
- (6) RCW 15.60.042 (Request of department services) and 1993 c 89 s 9 & 1988 c 4 s 7;
- (7) RCW 15.60.100 (Director's powers) and 1993 c 89 s 12, 1988 c 4 s 10, 1981 c 296 s 10, 1977 ex.s. c 362 s 7, & 1961 c 11 s 15.60.100;

- (8) RCW 15.60.110 (Access and entry by director) and 1993 c 89 s 13, 1988 c 4 s 11, 1977 ex. s. c 362 s 6, & 1961 c 11 s 15.60.110;
- (9) RCW 15.60.120 (Queen bee rearing apiaries) and 1993 c 89 s 14, 1988 c 4 s 12, 1981 c 296 s 11, & 1961 c 11 s 15.60.120;
- (10) RCW 15.60.140 (Africanized honey bees) and 1993 c 89 s 15, 1988 c 4 s 13, 1981 c 296 s 12, & 1961 c 11 s 15.60.140;
- (11) RCW 15.60.150 (Unlawful acts enumerated) and 1993 c 89 s 16, 1981 c 296 s 13, & 1961 c 11 s 15.60.150; and
- (12) RCW 15.60.230 (Injunction) and 1993 c 89 s 19.

NEW SECTION. **Sec. 9.** This act takes effect June 30, 2001."

On page 1, line 1 of the title, after "apiaries;" strike the remainder of the title and insert "amending RCW 15.60.005, 15.60.010, 15.60.050, 15.60.043, 15.60.040, and 17.24.007; adding new sections to chapter 15.60 RCW; recodifying RCW 15.60.005, 15.60.010, 15.60.050, 15.60.043, 15.60.040, 15.60.170, 15.60.180, 15.60.190, 15.60.210, 15.60.220, and 15.60.900; repealing RCW 15.60.007, 15.60.015, 15.60.020, 15.60.025, 15.60.030, 15.60.042, 15.60.100, 15.60.110, 15.60.120, 15.60.140, 15.60.150, and 15.60.230; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 2995 and advanced the bill as amended by the Senate to final passage.

Representative G. Chandler spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2995 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2995 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.

Voting nay: Representatives Kastama, Morris and Romero - 3.

Excused: Representative Schmidt - 1.

Engrossed House Bill No. 2995, as amended by the Senate, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4768, by Representatives Clements, Conway, B. Chandler, Wood, McIntire, Huff, Thomas, Van Luven, Ericksen, Delvin, Wensman, Radcliff, Lisk, Buck, Benson, Mulliken, Alexander, Pflug, Parlette, Crouse, Mielke, Dunn, Boldt, DeBolt, G. Chandler, Lambert, Schindler, Campbell, Cox, Carlson, Hankins, Skinner, Esser, Fortunato and Talcott

WHEREAS, In 1916, the first case of polio was recorded, and the following epidemic resulted in approximately 27,000 deaths; and

WHEREAS, Between 1946 and 1952, polio affected 144,000 victims nationally; and

WHEREAS, There are an estimated 35,000 polio survivors in Washington state alone; and

WHEREAS, There are currently 1.6 million polio survivors in the United States; and

WHEREAS, The centralized Burien office for polio outreach of Washington was formed in 1995 by peer volunteers to locate and inform polio survivors who may currently be experiencing postpolio syndrome; and

WHEREAS, Many individuals are diagnosed with this disease year after year; and

WHEREAS, The debilitating effects of postpolio syndrome, from severe fatigue to total body exhaustion, are often not detected until up to thirty years after the original onset of polio; and

WHEREAS, Postpolio syndrome is the second most common cause of neurological damage; and

WHEREAS, The medical field and the polio survivors must be able to recognize the symptoms of postpolio syndrome so that they will not be prematurely disabled; and

WHEREAS, The distribution of accurate information and educational material is a necessity in order to create awareness for this disease and its effects;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the courage and strength of all polio survivors and the efforts of polio outreach of Washington to reach them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Burien office for polio outreach.

Representative Clements moved adoption of the resolution.

Representatives Clements and Cody spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4768 was adopted.

MESSAGE FROM THE SENATE

March 6, 2000

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1572,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2109,

SUBSTITUTE HOUSE BILL NO. 2320,

SUBSTITUTE HOUSE BILL NO. 2321,

HOUSE BILL NO. 2333,

HOUSE BILL NO. 2339,
ENGROSSED HOUSE BILL NO. 2340,
HOUSE BILL NO. 2375,
SUBSTITUTE HOUSE BILL NO. 2398,
SUBSTITUTE HOUSE BILL NO. 2399,
HOUSE BILL NO. 2403,
HOUSE BILL NO. 2407,
HOUSE BILL NO. 2459,
HOUSE BILL NO. 2515,
HOUSE BILL NO. 2536,
ENGROSSED HOUSE BILL NO. 2565,
SUBSTITUTE HOUSE BILL NO. 2587,
HOUSE BILL NO. 2612,
SUBSTITUTE HOUSE BILL NO. 2633,
HOUSE BILL NO. 2650,
HOUSE BILL NO. 2657,
ENGROSSED HOUSE BILL NO. 2713,
HOUSE BILL NO. 2775,
SUBSTITUTE HOUSE BILL NO. 2792,
HOUSE BILL NO. 2851,
HOUSE BILL NO. 2868,
ENGROSSED HOUSE BILL NO. 2881,
SUBSTITUTE HOUSE BILL NO. 2886,
ENGROSSED HOUSE BILL NO. 2952,
HOUSE BILL NO. 3005,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3045,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 6, 2000

Mr. Speaker:

The President has signed SUBSTITUTE HOUSE BILL NO. 2721, and the same is herewith transmitted.

Tony M. Cook, Secretary

SENATE AMENDMENTS TO HOUSE BILL

February 29, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2344 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.88C.010 and 1997 c 168 s 1 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A council member who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means the number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support.

(8) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

NEW SECTION. **Sec. 2.** This act takes effect July 1, 2000."

On page 1, line 1 of the title, after "forecasting;" strike the remainder of the title and insert "amending RCW 43.88C.010; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2344 and advanced the bill as amended by the Senate to final passage.

Representative Alexander spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2344 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2344 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Bill No. 2344, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed Engrossed Second Substitute House Bill No. 2867 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.44 RCW to read as follows:

The legislature recognizes the importance of sound water management. In an effort to promote new and innovative methods of water storage, the legislature authorizes the department of ecology to issue reservoir permits that enable an entity to artificially store and recover water in any underground geological formation, which qualifies as a reservoir under RCW 90.03.370.

Sec. 2. RCW 90.44.035 and 1987 c 109 s 107 are each amended to read as follows:

For purposes of this chapter:

- (1) "Department" means the department of ecology;
- (2) "Director" means the director of ecology;

(3) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves. There is a recognized distinction between natural ground water and artificially stored ground water;

(4) "Natural ground water" means water that exists in underground storage owing wholly to natural processes; ~~(and)~~

(5) "Artificially stored ground water" means water that is made available in underground storage artificially, either intentionally, or incidentally to irrigation and that otherwise would have been dissipated by natural ~~(waste)~~ processes; and

(6) "Underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water. However, (a) this subsection does not apply to irrigation return flow, or to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a ground water subarea is established.

Sec. 3. RCW 90.03.370 and 1987 c 109 s 93 are each amended to read as follows:

(1) All applications for reservoir permits shall be subject to the provisions of RCW 90.03.250 through 90.03.320. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir shall also file an application for a permit, to be known as the secondary permit, which shall be in compliance with the provisions of RCW 90.03.250 through 90.03.320. Such secondary application shall refer to such reservoir as its source of water supply and shall show documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in said reservoir to impound enough water for the purposes set forth in said application. When the beneficial use has been completed and perfected under the secondary permit, the department shall take the proof of the water users under such permit and the final certificate of appropriation shall refer to both the ditch and works described in the secondary permit and the reservoir described in the primary permit.

(2)(a) For the purposes of this section, "reservoir" includes, in addition to any surface reservoir, any naturally occurring underground geological formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project. To qualify for issuance of a reservoir permit an underground geological formation must meet standards for review and mitigation of adverse impacts identified, for the following issues:

- (i) Aquifer vulnerability and hydraulic continuity;
- (ii) Potential impairment of existing water rights;
- (iii) Geotechnical impacts and aquifer boundaries and characteristics;
- (iv) Chemical compatibility of surface waters and ground water;
- (v) Recharge and recovery treatment requirements;
- (vi) System operation;
- (vii) Water rights and ownership of water stored for recovery; and
- (viii) Environmental impacts.

(b) Standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project shall be established by the department by rule. Notwithstanding the provisions of RCW 90.03.250 through 90.03.320, analysis of each underground artificial storage and recovery project and each underground geological formation for which an applicant seeks the status of a reservoir shall be through applicant-initiated studies reviewed by the department.

(3) For the purposes of this section, "underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use

of the stored water. However, (a) this subsection does not apply to irrigation return flow, or to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a ground water subarea is established.

(4) Nothing in this act changes the requirements of existing law governing issuance of permits to appropriate or withdraw the waters of the state.

(5) The department shall report to the legislature by December 31, 2001, on the standards for review and standards for mitigation developed under subsection (3) of this section and on the status of any applications that have been filed with the department for underground artificial storage and recovery projects by that date."

On page 1, line 1 of the title, after "storage;" strike the remainder of the title and insert "amending RCW 90.44.035 and 90.03.370; and adding a new section to chapter 90.44 RCW."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2867 and advanced the bill as amended by the Senate to final passage.

Representatives G. Chandler and Cooper spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2867 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2867 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Second Substitute House Bill No. 2867, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2993 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 52.12.150 and 1994 c 28 s 1 are each amended to read as follows:

Without obtaining a permit issued under RCW 70.94.650, fire protection district fire fighters may set fire to structures located outside of urban growth areas in counties that plan under the requirements of RCW 36.70A.040, and outside of any city with a population of ten thousand or more in all other counties, for instruction in methods of fire fighting, if all of the following conditions are met:

(1) (~~The fire conforms with any other permits, licenses, or approvals that are required~~) In consideration of prevailing air patterns, the fire is unlikely to cause air pollution in areas of sensitivity downwind of the proposed fire location;

(2) The fire is not located in an area that is declared to be in an air pollution episode or any stage of an impaired air quality as defined in RCW 70.94.715 and 70.94.473;

(3) Nuisance laws are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property;

(4) Notice of the fire is provided to the owners of property adjoining the property on which the fire will occur, to other persons who potentially will be impacted by the fire, and to additional persons in a broader manner as specifically requested by the local air pollution control agency or the department of ecology;

(5) Each structure that is proposed to be set on fire must be identified specifically as a structure to be set on fire. Each other structure on the same parcel of property that is not proposed to be set on fire must be identified specifically as a structure not to be set on fire; and

(6) Before setting a structure on fire, a good-faith inspection is conducted by the fire agency or fire protection district conducting the training fire to determine if materials containing asbestos are present, the inspection is documented in writing and forwarded to the appropriate local air authority or the department of ecology if there is no local air authority, and asbestos that is found is removed as required by state and federal laws."

On page 1, line 1 of the title, after "instruction;" strike the remainder of the title and insert "and amending RCW 52.12.150."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2993 and advanced the bill as amended by the Senate to final passage.

Representative G. Chandler spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of House Bill No. 2993 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2993 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Bill No. 2993, as amended by the Senate, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 3099, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Barlean, Murray, Reardon, Koster and Lovick)

Allowing state and local governments to continue to lower their exposure to interest rate fluctuations with respect to financial obligations. (REVISED FOR PASSED LEGISLATURE: Concerning the issuance of state and local government bonds.)

There being no objection, the request for a ruling on the Scope & Object on the Senate amendment to Substitute House Bill No. 3099 was withdrawn.

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 3099 and advanced the bill as amended by the Senate to final passage.

Representatives Murray and Alexander spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 3099 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3099 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 3099, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed Engrossed Substitute House Bill No. 2078 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The purpose of this act is to recodify Titles 75 and 77 RCW into Title 77 RCW ensuant to the merger of the departments of wildlife and fisheries.

PART I

TITLE 75

Amendments

Sec. 2. RCW 75.08.012 and 1983 1st ex.s. c 46 s 5 are each amended to read as follows:

Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters.

The department shall conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

The commission may authorize the taking of wildlife, food fish, game fish, and shellfish only at times or places, or in manners or quantities, as in the judgment of the commission does not impair the supply of these resources.

The commission shall attempt to maximize the public recreational game fishing and hunting opportunities of all citizens, including juvenile, disabled, and senior citizens.

Recognizing that the management of our state wildlife, food fish, game fish, and shellfish resources depends heavily on the assistance of volunteers, the department shall work cooperatively with volunteer groups and individuals to achieve the goals of this title to the greatest extent possible.

Nothing in this title shall be construed to infringe on the right of a private property owner to control the owner's private property.

Sec. 3. RCW 75.08.020 and 1988 c 36 s 31 are each amended to read as follows:

(1) The director shall investigate the habits, supply, and economic use of food fish and shellfish in state and offshore waters.

(2) The director shall make an annual report to the governor on the operation of the department and the statistics of the fishing industry.

(3) Subject to RCW 40.07.040, the director shall provide a comprehensive biennial report of all departmental operations to the chairs of the committees on natural resources (~~((and ways and means))~~) of the senate and house of representatives, the senate ways and means committee, and the house of representatives appropriations committee, including one copy to the staff of each of the committees, to reflect the previous fiscal period. The format of the report shall be similar to reports issued by the department from 1964-1970 and the report shall include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects,

intergovernmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational, commercial, and tribal utilization. The report ~~((shall be given to the house and senate committees on ways and means and the house and senate committees on natural resources and))~~ shall be made available to the public.

Sec. 4. RCW 75.08.040 and 1995 1st sp.s. c 2 s 23 are each amended to read as follows:

The commission may acquire by gift, easement, purchase, lease, or condemnation lands, buildings, water rights, ~~((and))~~ rights of way, or other necessary property, and construct and maintain necessary facilities for purposes consistent with this title. The commission may authorize the director to acquire property under this section, but the power of condemnation may only be exercised by the director when an appropriation has been made by the legislature for the acquisition of a specific property, except to clear title and acquire access rights of way.

The commission may sell, lease, convey, or grant concessions upon real or personal property under the control of the department.

Sec. 5. RCW 75.08.045 and 1995 1st sp.s. c 2 s 24 are each amended to read as follows:

The ~~((commission))~~ director may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state wildlife, food fish, and shellfish resources, or in settlement of claims for damages to wildlife, food fish, and shellfish resources. The ~~((commission))~~ director shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of these fisheries resources.

Sec. 6. RCW 75.08.055 and 1995 1st sp.s. c 2 s 8 are each amended to read as follows:

(1) The commission may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The ~~((commission))~~ director and the department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

Sec. 7. RCW 75.08.080 and 1995 1st sp.s. c 2 s 11 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of wildlife, food fish, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, food fish, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, food fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of wildlife, food fish, or shellfish within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, food fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, food fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishermen, dealers, boathouses, or processors of wildlife, food fish, or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of wildlife, food fish, and shellfish that may be used for purposes other than human consumption.

(j) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

"Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

Sec. 8. RCW 75.08.206 and 1983 1st ex.s. c 46 s 20 are each amended to read as follows:

The director shall provide compensation insurance for ~~((fisheries patrol))~~ fish and wildlife officers, insuring these employees against injury or death in the performance of enforcement duties not covered under the workers' compensation act of the state. The beneficiaries and the compensation and benefits under the compensation insurance shall be the same as provided in chapter 51.32 RCW, and the compensation insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020.

Sec. 9. RCW 75.08.208 and 1983 1st ex.s. c 46 s 22 are each amended to read as follows:

The director shall relieve from active duty ~~((fisheries patrol))~~ fish and wildlife officers who are injured in the performance of their official duties to such an extent as to be incapable of active service. While relieved from active duty, the employees shall receive one-half of their salary less any compensation received through the provisions of RCW 41.40.200, 41.40.220, and 75.08.206.

Sec. 10. RCW 75.08.230 and 1996 c 267 s 3 are each amended to read as follows:

(1) Except as provided in this ~~((section))~~ title, state and county officers receiving the following moneys shall deposit them in the state general fund:

(a) The sale of commercial licenses required under this title, except for licenses issued under chapter 77.32 RCW; and

~~(b) ((The sale of property seized or confiscated under this title;~~

~~(c) Fines and forfeitures collected under this title;~~

~~(d) The sale of real or personal property held for department purposes;~~

~~(e) Rentals or concessions of the department;~~

~~(f)) Moneys received for damages to food fish((;)) or shellfish ((or department property; and (g) Gifts)).~~

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a district court for a violation of this title or rule of the department shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department of general administration shall be deposited in the regional fisheries enhancement group account established in RCW 75.50.100 (as recodified by this act).

(6) Moneys received by the commission under RCW 75.08.045 (as recodified by this act), to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement.

Sec. 11. RCW 75.08.245 and 1988 c 115 s 1 are each amended to read as follows:

The department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington. All sales or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs.

~~((The salmon enhancement advisory council, created in RCW 75.48.120, shall consider egg sales at each meeting.))~~

Sec. 12. RCW 75.10.150 and 1996 c 267 s 14 are each amended to read as follows:

Since violation of the rules of the department relating to the accounting of the commercial harvest of food fish and shellfish result in damage to the resources of the state, liability for damage to food fish and shellfish resources is imposed on a wholesale fish dealer for violation of a provision in chapter 75.28 RCW (as recodified by this act) or a rule of the department related to the accounting of the commercial harvest of food fish and shellfish and shall be for the actual damages or for damages imposed as follows:

(1) For violation of rules requiring the timely presentation to the department of documents relating to the accounting of commercial harvest, fifty dollars for each of the first fifteen documents in a series and ten dollars for each subsequent document in the same series. If documents relating to the accounting of commercial harvest of food fish and shellfish are lost or destroyed and the wholesale dealer notifies the department in writing within seven days of the loss or destruction, the director shall waive the requirement for timely presentation of the documents.

(2) For violation of rules requiring accurate and legible information relating to species, value, harvest area, or amount of harvest, twenty-five dollars for each of the first five violations of this subsection following July 28, 1985, and fifty dollars for each violation after the first five violations.

(3) For violations of rules requiring certain signatures, fifty dollars for each of the first two violations and one hundred dollars for each subsequent violation. For the purposes of this subsection, each signature is a separate requirement.

(4) For other violations of rules relating to the accounting of the commercial harvest, fifty dollars for each separate violation.

Sec. 13. RCW 75.12.230 and 1998 c 190 s 81 are each amended to read as follows:

Within the waters described in RCW 75.12.210 (as recodified by this act), a person shall not transport or possess salmon on board a vessel carrying fishing gear of a type other than troll lines or angling gear, unless accompanied by a certificate issued by a state or country showing that the salmon have been lawfully taken within the territorial waters of the state or country.

Sec. 14. RCW 75.20.061 and 1983 1st ex.s. c 46 s 73 are each amended to read as follows:

If the director determines that a fishway or fish guard described in RCW 75.20.040 and 75.20.060 (as recodified by this act) and in existence on September 1, 1963, is inadequate, in addition to other authority granted in this chapter, the director may remove, relocate, reconstruct, or modify the device, without cost to the owner. The director shall not materially modify the amount of flow of water through the device. After the department has completed the improvements, the fishways and fish guards shall be operated and maintained at the expense of the owner in accordance with RCW 75.20.040 and 75.20.060 (as recodified by this act).

Sec. 15. RCW 75.20.098 and 1997 c 424 s 6 are each amended to read as follows:

When reviewing a mitigation plan under RCW 75.20.100 or 75.20.103 (as recodified by this act), the department shall, at the request of the project proponent, follow the guidance contained in RCW 90.74.005 through 90.74.030.

Sec. 16. RCW 75.20.100 and 1998 c 190 s 87 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld.

(2)(a) (~~Except as provided in RCW 75.20.1001,~~) The department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 75.20.103 (as recodified by this act), "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103 (as recodified by this act).

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 75.20.103 (as recodified by this act), "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

Sec. 17. RCW 75.20.104 and 1993 sp.s. c 2 s 33 are each amended to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103 (as recodified by this act), the department, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

Sec. 18. RCW 75.20.1041 and 1993 sp.s. c 2 s 34 are each amended to read as follows:

The department and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 (as recodified by this act) are met.

Sec. 19. RCW 75.20.106 and 1993 sp.s. c 2 s 35 are each amended to read as follows:

The department may levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 75.20.100 or 75.20.103 (as recodified by this act). The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director or the director's designee describing the violation. Any person incurring any

penalty under this chapter may appeal the same under chapter 34.05 RCW to the director. Appeals shall be filed within thirty days of receipt of notice imposing any penalty. The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

If the amount of any penalty is not paid within thirty days after it becomes due and payable the attorney general, upon the request of the director shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

Sec. 20. RCW 75.20.130 and 1996 c 276 s 2 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department: (a) Under the authority granted in RCW 75.20.103 (as recodified by this act) for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020; or (b) under the authority granted in RCW 75.20.190 (as recodified by this act) for off-site mitigation proposals.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 (as recodified by this act) may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

Sec. 21. RCW 75.20.320 and 1995 c 328 s 1 are each amended to read as follows:

The department may not require mitigation for adverse impacts on fish life or habitat that occurred at the time a wetland was filled, if the wetland was filled under the provisions of RCW 75.20.300 (as recodified by this act).

Sec. 22. RCW 75.24.060 and 1998 c 245 s 152 are each amended to read as follows:

It is the policy of the state to improve state oyster reserves so that they are productive and yield a revenue sufficient for their maintenance. In fixing the price of oysters and other shellfish sold from the reserves, the director shall take into consideration this policy. It is also the policy of the state to maintain the oyster reserves to furnish shellfish to growers and processors and to stock public beaches.

Shellfish may be harvested from state oyster reserves for personal use as prescribed by rule of the director.

The ~~((department))~~ director shall periodically inventory the state oyster reserves and assign the reserve lands into management categories:

- (1) Native Olympia oyster broodstock reserves;
- (2) Commercial shellfish harvesting zones;
- (3) Commercial shellfish propagation zones designated for long-term leasing to private aquaculturists;
- (4) Public recreational shellfish harvesting zones;
- (5) Unproductive land.

The ~~((department))~~ director shall manage each category of oyster reserve land to maximize the sustained yield production of shellfish consistent with the purpose for establishment of each management category.

The ~~((department))~~ commission shall develop an oyster reserve management plan, to include recommendations for leasing reserve lands, in coordination with the shellfish industry, by January 1, 1986.

The director shall protect, reseed, improve the habitat of, and replant state oyster reserves ~~((and))~~. The director shall also issue cultch permits and oyster reserve fishery licenses.

Sec. 23. RCW 75.24.065 and 1993 sp.s. c 2 s 40 are each amended to read as follows:

The legislature finds that current environmental and economic conditions warrant a renewal of the state's historical practice of actively cultivating and managing its oyster reserves in Puget Sound to produce the state's native oyster, the Olympia oyster. The ~~((department))~~ director shall reestablish dike cultivated production of Olympia oysters on such reserves on a trial basis as a tool for planning more comprehensive cultivation by the state.

Sec. 24. RCW 75.24.070 and 1983 1st ex.s. c 46 s 82 are each amended to read as follows:

The director shall determine the time, place, and method of sale of oysters and other shellfish from state oyster reserves. Any person who commercially takes shellfish from state oyster reserves must possess an oyster reserve fishery license issued by the director pursuant to RCW 75.28.290 (as recodified by this act). Any person engaged in the commercial cultching of oysters on state oyster reserves must possess an oyster cultch permit issued by the director pursuant to RCW 75.28.295 (as recodified by this act).

To maintain local communities and industries and to restrain the formation of monopolies in the industry, the director shall determine the number of bushels which shall be sold to a person. When the shellfish are sold at public auction, the director may reject any and all bids.

Sec. 25. RCW 75.24.100 and 1998 c 190 s 91 are each amended to read as follows:

(1) The ~~((department))~~ director may not authorize a person to take geoduck clams for commercial purposes outside the harvest area designated in a current department of natural resources geoduck harvesting agreement issued under RCW 79.96.080. The ~~((department))~~ director may not authorize commercial harvest of geoduck clams from bottoms that are shallower than eighteen feet below mean lower low water (0.0. ft.), or that lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to the line of ordinary high tide. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Commercial geoduck harvesting shall be done with a hand-held, manually operated water jet or suction device guided and controlled from under water by a diver. Periodically, the ~~((commission))~~ director shall determine the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit. The ~~((commission))~~ director may require modification of the gear or stop its use if it is being operated in a wasteful or destructive manner or if its operation may cause permanent damage to the bottom or adjacent shellfish populations.

Sec. 26. RCW 75.24.130 and 1995 1st sp.s. c 2 s 30 are each amended to read as follows:

The commission may examine the clam, mussel, and oyster beds located on aquatic lands belonging to the state and request the commissioner of public lands to withdraw these lands from sale and lease for the purpose of establishing reserves or public beaches. The ~~((commission))~~ director shall

conserve, protect, and develop these reserves and the oyster, shrimp, clam, and mussel beds on state lands.

Sec. 27. RCW 75.25.092 and 1999 c 243 s 3 are each amended to read as follows:

(1) A personal use shellfish and seaweed license is required for all persons other than residents or nonresidents under fifteen years of age to fish for, take, dig for, or possess seaweed or shellfish for personal use from state waters or offshore waters including national park beaches.

(2) The fees for annual personal use shellfish and seaweed licenses are:

(a) For a resident fifteen years of age or older, seven dollars;

(b) For a nonresident fifteen years of age or older, twenty dollars; and

(c) For a senior, five dollars.

(3) The license fee for a two-day personal use shellfish and seaweed license is six dollars for residents or nonresidents fifteen years of age or older.

(4) The personal use shellfish and seaweed license shall be visible on the licensee while harvesting shellfish or seaweed.

Sec. 28. RCW 75.28.011 and 1997 c 418 s 1 are each amended to read as follows:

(1) Unless otherwise provided in this title, a license issued under this chapter is not transferable from the license holder to any other person.

(2) The following restrictions apply to transfers of commercial fishery licenses, salmon delivery licenses, and salmon charter licenses that are transferable between license holders:

(a) The license holder shall surrender the previously issued license to the department.

(b) The department shall complete no more than one transfer of the license in any seven-day period.

(c) The fee to transfer a license from one license holder to another is:

(i) The same as the resident license renewal fee if the license is not limited under chapter 75.30 RCW (as recodified by this act);

(ii) Three and one-half times the resident renewal fee if the license is not a commercial salmon license and the license is limited under chapter 75.30 RCW (as recodified by this act);

(iii) Fifty dollars if the license is a commercial salmon license and is limited under chapter 75.30 RCW (as recodified by this act);

(iv) Five hundred dollars if the license is a Dungeness crab-coastal fishery license; or

(v) If a license is transferred from a resident to a nonresident, an additional fee is assessed that is equal to the difference between the resident and nonresident license fees at the time of transfer, to be paid by the transferee.

(3) A commercial license that is transferable under this title survives the death of the holder.

Though such licenses are not personal property, they shall be treated as analogous to personal property for purposes of inheritance and intestacy. Such licenses are subject to state laws governing wills, trusts, estates, intestate succession, and community property, except that such licenses are exempt from claims of creditors of the estate and tax liens. The surviving spouse, estate, or beneficiary of the estate may apply for a renewal of the license. There is no fee for transfer of a license from a license holder to the license holder's surviving spouse or estate, or to a beneficiary of the estate.

Sec. 29. RCW 75.28.020 and 1994 c 244 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this title, a person (~~as defined in RCW 75.08.011~~) may hold a commercial license established by this chapter.

(2) Except as otherwise provided in this title, an individual may hold a commercial license only if the individual is sixteen years of age or older and a bona fide resident of the United States.

(3) A corporation may hold a commercial license only if it is authorized to do business in this state.

(4) No person may hold a limited-entry license unless the person meets the qualifications that this title establishes for the license.

(5) The residency requirements in subsection (2) of this section do not apply to holders of nonsalmon delivery licenses.

Sec. 30. RCW 75.28.034 and 1995 c 227 s 1 are each amended to read as follows:

If, for any reason, the department does not allow any opportunity for a commercial fishery during a calendar year, the ~~((department))~~ director shall either: (1) Waive the requirement to obtain a license for that commercial fishery for that year; or (2) refund applicable license fees upon return of the license.

Sec. 31. RCW 75.28.042 and 1997 c 58 s 882 are each amended to read as follows:

(1) The department shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order ~~((or a residential or visitation order))~~.

(2) A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291~~((7))~~ (8) shall be prima facie evidence that the individual is in noncompliance with a support order ~~((or residential or visitation order))~~. Presentation of a written release issued by the department of social and health services or a court stating that the person is in compliance with an order shall serve as proof of compliance.

Sec. 32. RCW 75.28.046 and 1998 c 267 s 2 are each amended to read as follows:

This section applies to all commercial fishery licenses and delivery licenses, except for whiting-Puget Sound fishery licenses and emergency salmon delivery licenses.

(1) The license holder may engage in the activity authorized by a license subject to this section. With the exception of Dungeness crab--coastal fishery class B licensees licensed under RCW 75.30.350(4) (as recodified by this act), the holder of a license subject to this section may also designate up to two alternate operators for the license. Dungeness crab--coastal fishery class B licensees may not designate alternate operators. A person designated as an alternate operator must possess an alternate operator license issued under RCW 75.28.048 (as recodified by this act).

(2) The fee to change the alternate operator designation is twenty-two dollars.

Sec. 33. RCW 75.28.047 and 1998 c 267 s 3 are each amended to read as follows:

(1) Only the license holder and any alternate operators designated on the license may sell or deliver food fish or shellfish under a commercial fishery license or delivery license. A commercial fishery license or delivery license authorizes no taking or delivery of food fish or shellfish unless the license holder or an alternate operator designated on the license is present or aboard the vessel.

(2) Notwithstanding RCW 75.28.010(1)(c) (as recodified by this act), an alternate operator license is not required for an individual to operate a vessel as a charter boat.

Sec. 34. RCW 75.28.048 and 1998 c 267 s 4 are each amended to read as follows:

(1) A person who holds a commercial fishery license or a delivery license may operate the vessel designated on the license. A person who is not the license holder may operate the vessel designated on the license only if:

(a) The person holds an alternate operator license issued by the director; and

(b) The person is designated as an alternate operator on the underlying commercial fishery license or delivery license under RCW 75.28.046 (as recodified by this act).

(2) Only an individual at least sixteen years of age may hold an alternate operator license.

(3) No individual may hold more than one alternate operator license. An individual who holds an alternate operator license may be designated as an alternate operator on an unlimited number of commercial fishery licenses or delivery licenses under RCW 75.28.046 (as recodified by this act).

(4) An individual who holds two Dungeness crab--Puget Sound fishery licenses may operate the licenses on one vessel if the vessel owner or alternate operator is on the vessel. The department shall allow a license holder to operate up to one hundred crab pots for each license.

(5) As used in this section, to "operate" means to control the deployment or removal of fishing gear from state waters while aboard a vessel or to operate a vessel delivering food fish or shellfish taken in offshore waters to a port within the state.

Sec. 35. RCW 75.28.055 and 1997 c 421 s 1 are each amended to read as follows:

The (~~fish and wildlife commission~~) director may, by rule, increase the number of alternate operators beyond the level authorized by RCW 75.28.030 and 75.28.046 (as recodified by this act) for a commercial fishery license, delivery license, or charter license.

Sec. 36. RCW 75.28.095 and 1998 c 190 s 95 are each amended to read as follows:

(1) The director shall issue the charter licenses and angler permits listed in this section according to the requirements of this title. The licenses and permits and their annual fees and surcharges are:

	License or Permit	Annual Fee	Governing
			(RCW 75.50.100 <u>(as recodified by this act)</u>)
			Surcharge) Section
			Resident Nonresident
(a)	Nonsalmon charter	\$225 \$375	
(b)	Salmon charter	\$380 \$685	RCW 75.30.065
			<u>(as recodified by this act)</u>
			(plus \$100) (plus \$100)
(c)	Salmon angler	\$ 0 \$ 0	RCW 75.30.070
			<u>(as recodified by this act)</u>
(d)	Salmon roe	\$ 95 \$ 95	RCW 75.28.690

(as recodified by this act)

(2) A salmon charter license designating a vessel is required to operate a charter boat to take salmon, other food fish, and shellfish. The director may issue a salmon charter license only to a person who meets the qualifications of RCW 75.30.065 (as recodified by this act).

(3) A nonsalmon charter license designating a vessel is required to operate a charter boat to take food fish other than salmon and shellfish. As used in this subsection, "food fish" does not include salmon.

(4) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use, and that brings food fish or shellfish into state ports or brings food fish or shellfish taken from state waters into United States ports. The director may specify by rule when a vessel is a "charter boat" within this definition. "Charter boat" does not mean a vessel used by a guide for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(5) A charter boat licensed in Oregon may fish without a Washington charter license under the same rules as Washington charter boat operators in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

(6) A salmon charter license under subsection (1)(b) of this section may be renewed if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

Sec. 37. RCW 75.28.110 and 1997 c 76 s 1 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 75.30.120 (as recodified by this act) may hold a license listed in this subsection. The licenses and their annual fees and surcharges under RCW 75.50.100 (as recodified by this act) are:

Fishery Resident Nonresident Surcharge
License Fee Fee

- (a) Salmon Gill Net--Grays \$380 \$685 plus \$100
Harbor-Columbia river
- (b) Salmon Gill Net--Puget \$380 \$685 plus \$100
Sound
- (c) Salmon Gill Net--Willapa \$380 \$685 plus \$100
Bay-Columbia river
- (d) Salmon purse seine \$530 \$985 plus \$100
- (e) Salmon reef net \$380 \$685 plus \$100
- (f) Salmon troll \$380 \$685 plus \$100

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 75.28.045 (as recodified by this act).

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department by August 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

Sec. 38. RCW 75.28.113 and 1998 c 190 s 96 are each amended to read as follows:

(1) A salmon delivery license is required to deliver salmon taken in offshore waters to a place or port in the state. The annual fee for a salmon delivery license is three hundred eighty dollars for residents and six hundred eighty-five dollars for nonresidents. The annual surcharge under RCW 75.50.100 (as recodified by this act) is one hundred dollars for each license. Holders of nonlimited entry delivery licenses issued under RCW 75.28.125 (as recodified by this act) may apply the nonlimited entry delivery license fee against the salmon delivery license fee.

(2) Only a person who meets the qualifications established in RCW 75.30.120 (as recodified by this act) may hold a salmon delivery license issued under this section.

(3) A salmon delivery license authorizes no taking of salmon or other food fish or shellfish from the waters of the state.

(4) If the director determines that the operation of a vessel under a salmon delivery license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the license under the procedures of chapter 34.05 RCW.

Sec. 39. RCW 75.28.114 and 1999 c 103 s 1 are each amended to read as follows:

(1) The legislature finds that landing salmon into the ports of Washington state, regardless of where such salmon have been harvested, is economically beneficial to those ports as well as to the citizens of the state of Washington. It is therefore the intent of the legislature to encourage this practice.

(2) Notwithstanding the provisions of RCW 75.28.010(1)(b) and 75.28.113 (as recodified by this act), a Washington citizen who holds a valid Oregon or California salmon troll license may land salmon taken during lawful seasons in Oregon and California into Washington ports without obtaining a salmon delivery license. This exception is valid only when the salmon were taken in offshore waters south of Cape Falcon.

(3) The department shall adopt rules necessary to implement this section, including rules identifying the appropriate methods for verifying that salmon were in fact taken south of Cape Falcon.

Sec. 40. RCW 75.28.116 and 1993 sp.s. c 17 s 37 are each amended to read as follows:

A person who does not qualify for a license under RCW 75.30.120 (as recodified by this act) shall obtain a nontransferable emergency salmon delivery license to make one delivery of salmon taken in offshore waters. The director shall not issue an emergency salmon delivery license unless, as determined by the director, a bona fide emergency exists. The license fee is two hundred twenty-five dollars for residents and four hundred seventy-five dollars for nonresidents. An applicant for an emergency salmon delivery license shall designate no more than one vessel that will be used with the license. Alternate operator licenses are not required of persons delivering salmon under an emergency salmon delivery license. Emergency salmon delivery licenses are not renewable.

Sec. 41. RCW 75.28.120 and 1993 sp.s. c 17 s 38 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery	Annual Fee	Vessel	Limited
Fishery Annual Fee Vessel Limited			
(Governing section(s)) Resident Nonresident Required? Entry?			
(a) Baitfish Lampara	\$185	\$295	Yes No
(b) Baitfish purse seine	\$530	\$985	Yes No
(c) Bottom fish jig	\$130	\$185	Yes No
(d) Bottom fish pot	\$130	\$185	Yes No
(e) Bottom fish troll	\$130	\$185	Yes No
(f) Carp	\$130	\$185	No No
(g) Columbia river smelt	\$380	\$685	No No
(h) Dog fish set net	\$130	\$185	Yes No
(i) Emerging commercial fishery (RCW 75.30.220 and 75.28.740 (<u>as recodified by this act</u>))	\$185	\$295	Determined Determined
(j) Food fish drag seine	\$130	\$185	Yes No
(k) Food fish set line	\$130	\$185	Yes No
(l) Food fish trawl-	\$240	\$405	Yes No
Non-Puget Sound			
(m) Food fish trawl-	\$185	\$295	Yes No
Puget Sound			
(n) Herring dip bag net	\$175	\$275	Yes Yes
(RCW 75.30.140 (<u>as recodified by this act</u>))			
(o) Herring drag seine	\$175	\$275	Yes Yes
(RCW 75.30.140 (<u>as recodified by this act</u>))			
(p) Herring gill net	\$175	\$275	Yes Yes

- (RCW 75.30.140 (as recodified by this act))
- (q) Herring Lampara \$175 \$275 Yes Yes
(RCW 75.30.140 (as recodified by this act))
- (r) Herring purse seine \$175 \$275 Yes Yes
(RCW 75.30.140 (as recodified by this act))
- (s) Herring spawn-on-kelp N/A N/A Yes Yes
(RCW 75.30.270 (as recodified by this act))
- (t) Smelt dip bag net \$130 \$185 No No
- (u) Smelt gill net \$380 \$685 Yes No
- (v) Whiting-Puget Sound \$295 \$520 Yes Yes
(RCW 75.30.170 (as recodified by this act))

(2) The director may by rule determine the species of food fish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take food fish in that fishery.

Sec. 42. RCW 75.28.125 and 1998 c 190 s 97 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person may not use a commercial fishing vessel to deliver food fish or shellfish taken in offshore waters to a port in the state without a nonlimited entry delivery license. As used in this section, "food fish" does not include salmon. As used in this section, "shellfish" does not include ocean pink shrimp or coastal crab. The annual license fee for a nonlimited entry delivery license is one hundred ten dollars for residents and two hundred dollars for nonresidents.

(2) Holders of salmon troll fishery licenses issued under RCW 75.28.110 (as recodified by this act), salmon delivery licenses issued under RCW 75.28.113 (as recodified by this act), crab pot fishery licenses issued under RCW 75.28.130 (as recodified by this act), food fish trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.120 (as recodified by this act), Dungeness crab--coastal fishery licenses, ocean pink shrimp delivery licenses, and shrimp trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.130 (as recodified by this act) may deliver food fish or shellfish taken in offshore waters without a nonlimited entry delivery license.

(3) A nonlimited entry delivery license authorizes no taking of food fish or shellfish from state waters.

Sec. 43. RCW 75.28.130 and 1999 c 239 s 2 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

- | | Fishery | Annual Fee | Vessel | Limited |
|-----|---------------------------------------|------------|-------------|------------------|
| | (Governing section(s)) | Resident | Nonresident | Required? Entry? |
| (a) | Burrowing shrimp | \$185 | \$295 | Yes No |
| (b) | Crab ring net- | \$130 | \$185 | Yes No |
| | Non-Puget Sound | | | |
| (c) | Crab ring net- | \$130 | \$185 | Yes No |
| | Puget Sound | | | |
| (d) | Dungeness crab- | \$295 | \$520 | Yes Yes |
| | coastal (RCW 75.30.350 | | | |
| | (<u>as recodified by this act</u>)) | | | |
| (e) | Dungeness crab- | \$295 | \$520 | Yes Yes |

- coastal, class B
(RCW 75.30.350
(as recodified by this act))
- (f) Dungeness crab- \$130 \$185 Yes Yes
Puget Sound
(RCW 75.30.130
(as recodified by this act))
- (g) Emerging commercial \$185 \$295 Determined Determined
fishery (RCW 75.30.220 by rule by rule
and 75.28.740 (as
recodified by this act))
- (h) Geoduck (RCW \$ 0 \$ 0 Yes Yes
75.30.280 (as
recodified by this act))
- (i) Hardshell clam \$530 \$985 Yes No
mechanical harvester
(RCW 75.28.280
(as recodified by this act))
- (j) Oyster reserve \$130 \$185 No No
(RCW 75.28.290
(as recodified by this act))
- (k) Razor clam \$130 \$185 No No
- (l) Sea cucumber dive \$130 \$185 Yes Yes
(RCW 75.30.250
(as recodified by this act))
- (m) Sea urchin dive \$130 \$185 Yes Yes
(RCW 75.30.210
(as recodified by this act))
- (n) Shellfish dive \$130 \$185 Yes No
- (o) Shellfish pot \$130 \$185 Yes No
- (p) Shrimp pot- \$185 \$295 Yes Yes
Puget Sound
(RCW 75.30.490
(as recodified by this act))
- (q) Shrimp trawl- \$240 \$405 Yes No
Non-Puget Sound
- (r) Shrimp trawl- \$185 \$295 Yes Yes
Puget Sound
(RCW 75.30.500
(as recodified by this act))
- (s) Squid \$185 \$295 Yes No

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

Sec. 44. RCW 75.28.132 and 1994 c 260 s 15 are each amended to read as follows:

A surcharge of fifty dollars shall be collected with each Dungeness crab-coastal fishery license issued under RCW 75.28.130 (as recodified by this act) until June 30, 2000, and with each Dungeness crab-coastal class B fishery license issued under RCW 75.28.130 (as recodified by this act) until December 31, 1997. Moneys collected under this section shall be placed in the Dungeness crab appeals account hereby created in the state treasury. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the

account shall only be used for processing appeals related to the issuance of Dungeness crab-coastal fishery licenses.

Sec. 45. RCW 75.28.133 and 1997 c 418 s 5 are each amended to read as follows:

A surcharge of one hundred twenty dollars shall be collected with each Dungeness crab-coastal fishery license and with each Dungeness crab-coastal class B fishery license issued under RCW 75.28.130 (as recodified by this act). Moneys collected under this section shall be placed in the coastal crab account created under RCW 75.30.390 (as recodified by this act).

Sec. 46. RCW 75.28.280 and 1993 c 340 s 19 are each amended to read as follows:

A hardshell clam mechanical harvester fishery license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, unless the requirements of RCW 75.20.100 (as recodified by this act) are fulfilled for the proposed activity.

Sec. 47. RCW 75.28.290 and 1993 c 340 s 20 are each amended to read as follows:

A person who commercially takes shellfish from state oyster reserves under RCW 75.24.070 (as recodified by this act) must have an oyster reserve fishery license.

Sec. 48. RCW 75.28.300 and 1993 sp.s. c 17 s 43 are each amended to read as follows:

A wholesale fish dealer's license is required for:

- (1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.
- (2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.
- (3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.
- (4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.
- (5) A business employing a fish buyer as defined under RCW 75.28.340 (as recodified by this act).

The annual license fee for a wholesale dealer is two hundred fifty dollars. A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 49. RCW 75.28.323 and 1996 c 267 s 30 are each amended to read as follows:

(1) A wholesale fish dealer shall not take possession of food fish or shellfish until the dealer has deposited with the department an acceptable performance bond on forms prescribed and furnished by the department. This performance bond shall be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under chapter 48.28 RCW and approved by the department. The bond shall be filed and maintained in an amount equal to one thousand dollars for each buyer engaged by the wholesale dealer. In no case shall the bond be less than two thousand dollars nor more than fifty thousand dollars.

(2) A wholesale dealer shall, within seven days of engaging additional fish buyers, notify the department and increase the amount of the bonding required in subsection (1) of this section.

(3) The director may suspend and refuse to reissue a wholesale fish dealer's license of a dealer who has taken possession of food fish or shellfish without an acceptable performance bond on deposit with the department.

(4) The bond shall be conditioned upon the compliance with the requirements of this chapter and rules of the department relating to the payment of fines for violations of rules for the accounting of the commercial harvest of food fish or shellfish. In lieu of the surety bond required by this section the

wholesale fish dealer may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account or of a savings certificate in a Washington bank on an assignment form prescribed by the department.

(5) Liability under the bond shall be maintained as long as the wholesale fish dealer engages in activities under RCW 75.28.300 (as recodified by this act) unless released. Liability under the bond may be released only upon written notification from the department. Notification shall be given upon acceptance by the department of a substitute bond or forty-five days after the expiration of the wholesale fish dealer's annual license. In no event shall the liability of the surety exceed the amount of the surety bond required under this chapter.

Sec. 50. RCW 75.28.340 and 1993 sp.s. c 17 s 46 are each amended to read as follows:

(1) A fish buyer's license is required of and shall be carried by each individual engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) (~~Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,~~) The annual fee for a fish buyer's license is ninety-five dollars.

Sec. 51. RCW 75.28.730 and 1993 c 376 s 4 are each amended to read as follows:

An ocean pink shrimp delivery license is required to deliver ocean pink shrimp taken in offshore waters and delivered to a port in the state. (~~Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,~~) The annual license fee is one hundred fifty dollars for residents and three hundred dollars for nonresidents. Ocean pink shrimp delivery licenses are transferable.

Sec. 52. RCW 75.28.740 and 1998 c 190 s 99 are each amended to read as follows:

(1) The director may by rule designate a fishery as an emerging commercial fishery. The director shall include in the designation whether the fishery is one that requires a vessel.

(2) "Emerging commercial fishery" means the commercial taking of a newly classified species of food fish or shellfish, the commercial taking of a classified species with gear not previously used for that species, or the commercial taking of a classified species in an area from which that species has not previously been commercially taken. Any species of food fish or shellfish commercially harvested in Washington state as of June 7, 1990, may be designated as a species in an emerging commercial fishery, except that no fishery subject to a license limitation program in chapter 75.30 RCW (as recodified by this act) may be designated as an emerging commercial fishery.

(3) A person shall not take food fish or shellfish in a fishery designated as an emerging commercial fishery without an emerging commercial fishery license and a permit from the director. The director shall issue two types of permits to accompany emerging commercial fishery licenses: Trial fishery permits and experimental fishery permits. Trial fishery permits are governed by subsection (4) of this section. Experimental fishery permits are governed by RCW 75.30.220 (as recodified by this act).

(4) The director shall issue trial fishery permits for a fishery designated as an emerging commercial fishery unless the director determines there is a need to limit the number of participants under RCW 75.30.220 (as recodified by this act). A person who meets the qualifications of RCW 75.28.020 (as recodified by this act) may hold a trial fishery permit. The holder of a trial fishery permit shall comply with the terms of the permit. Trial fishery permits are not transferable from the permit holder to any other person.

Sec. 53. RCW 75.28.760 and 1993 sp.s. c 4 s 2 are each amended to read as follows:

By July 1, 1994, the (~~departments of fisheries and wildlife~~) commission jointly with the appropriate Indian tribes, shall each establish a wild salmonid policy. The policy shall ensure that department actions and programs are consistent with the goals of rebuilding wild stock populations to levels that permit commercial and recreational fishing opportunities.

Sec. 54. RCW 75.28.770 and 1998 c 245 s 153 are each amended to read as follows:

The ~~((department))~~ director shall evaluate and recommend, in consultation with the Indian tribes, salmon fishery management strategies and gear types, as well as a schedule for implementation, that will minimize the impact of commercial and recreational fishing in the mixed stock fishery on critical and depressed wild stocks of salmonids. As part of this evaluation, the ~~((department))~~ director, in conjunction with the commercial and recreational fishing industries, shall evaluate commercial and recreational salmon fishing gear types developed by these industries.

Sec. 55. RCW 75.28.780 and 1993 sp.s. c 17 s 42 are each amended to read as follows:

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

Personal License Annual Fee Governing

(RCW 75.50.100 (as recodified

by this act) Surcharge) Section

Resident Nonresident

(1) Alternate Operator \$ 35 \$ 35 RCW 75.28.048

(as recodified by this act)

(2) Geoduck Diver \$185 \$295 RCW 75.28.750

(as recodified by this act)

(3) Salmon Guide \$130 \$630 RCW 75.28.710

(as recodified by this act)

(plus \$20) (plus \$100)

Sec. 56. RCW 75.30.021 and 1995 c 227 s 2 are each amended to read as follows:

(1) The ~~((department))~~ director shall waive license requirements, including landing or poundage requirements, if, during the calendar year that a license issued pursuant to chapter 75.28 RCW (as recodified by this act) is valid, no harvest opportunity occurs in the fishery corresponding to the license.

(2) For each license limitation program, where the person failed to hold the license and failed to make landing or poundage requirements because of a license waiver by the ~~((department))~~ director during the previous year, the person shall qualify for a license by establishing that the person held the license during the last year in which the license was not waived.

Sec. 57. RCW 75.30.050 and 1999 c 151 s 1601 are each amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060 (as recodified by this act). Members shall be from:

(a) The commercial sea urchin and sea cucumber fishery in cases involving sea urchin and sea cucumber dive fishery licenses; ~~((and))~~ and

(b) The commercial coastal crab fishery in cases involving Dungeness crab-coastal fishery licenses and Dungeness crab-coastal class B fishery licenses. The members shall include one person from the commercial crab processors, one Dungeness crab-coastal fishery license holder, and one citizen representative of a coastal community.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

Sec. 58. RCW 75.30.060 and 1995 1st sp.s. c 2 s 32 are each amended to read as follows:

A person aggrieved by a decision of the department under this chapter may request administrative review under the informal procedure established by this section.

In an informal hearing before a review board, the rules of evidence do not apply. A record of the proceeding shall be kept as provided by chapter 34.05 RCW. After hearing the case the review board shall notify in writing the ~~((commission))~~ director and the initiating party whether the review board agrees or disagrees with the department's decision and the reasons for the review board's

findings. Upon receipt of the review board's findings the ((~~commission~~)) director may order such relief as the ((~~commission~~)) director deems appropriate under the circumstances.

Nothing in this section: (1) Impairs an aggrieved person's right to proceed under chapter 34.05 RCW; or (2) imposes a liability on members of a review board for their actions under this section.

Sec. 59. RCW 75.30.065 and 1993 c 340 s 28 are each amended to read as follows:

(1) After May 28, 1977, the director shall issue no new salmon charter licenses. A person may renew an existing salmon charter license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Salmon charter licenses may be renewed each year. A salmon charter license which is not renewed each year shall not be renewed further.

(3) Subject to the restrictions in ((~~section 11 of this act~~)) RCW 75.28.011 (as recodified by this act), salmon charter licenses are transferrable from one license holder to another.

Sec. 60. RCW 75.30.070 and 1998 c 190 s 100 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, a person shall not operate a vessel as a charter boat from which salmon are taken in salt water without an angler permit. The angler permit shall specify the maximum number of persons that may fish from the charter boat per trip. The angler permit expires if the salmon charter license is not renewed.

(2) Only a person who holds a salmon charter license issued under RCW 75.28.095 and 75.30.065 (as recodified by this act) may hold an angler permit.

(3) An angler permit shall not be required for charter boats licensed in Oregon and fishing in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point under the same regulations as Washington charter boat operators, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

Sec. 61. RCW 75.30.090 and 1993 c 340 s 30 are each amended to read as follows:

A salmon charter boat may not carry more anglers than the number specified in the angler permit issued under RCW 75.30.070 (as recodified by this act). Members of the crew may fish from the boat only to the extent that the number of anglers specified in the angler permit exceeds the number of noncrew passengers on the boat at that time.

Sec. 62. RCW 75.30.100 and 1993 c 340 s 31 are each amended to read as follows:

(1) The total number of anglers authorized by the ((~~department~~)) director shall not exceed the total number authorized for 1980.

(2) Angler permits issued under RCW 75.30.070 (as recodified by this act) are transferable. All or a portion of the permit may be transferred to another salmon charter license holder.

(3) The angler permit holder and proposed transferee shall notify the department when transferring an angler permit, and the ((~~department~~)) director shall issue a new angler permit certificate. If the original permit holder retains a portion of the permit, the ((~~department~~)) director shall issue a new angler permit certificate reflecting the decrease in angler capacity.

(4) The department shall collect a fee of ten dollars for each certificate issued under subsection (3) of this section.

Sec. 63. RCW 75.30.120 and 1995 c 135 s 7 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, after May 6, 1974, the director shall issue no new commercial salmon fishery licenses or salmon delivery licenses. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(3) Subject to the restrictions in RCW 75.28.011 (as recodified by this act), commercial salmon fishery licenses and salmon delivery licenses are transferable from one license holder to another.

Sec. 64. RCW 75.30.125 and 1993 c 340 s 33 are each amended to read as follows:

Any commercial salmon fishery license issued under RCW 75.28.110 (as recodified by this act) or salmon delivery license issued under RCW 75.28.113 (as recodified by this act) shall revert to the department when any government confiscates and sells the vessel designated on the license. Upon application of the person named on the license as license holder and the approval of the director, the department shall transfer the license to the applicant. Application for transfer of the license must be made within the calendar year for which the license was issued.

Sec. 65. RCW 75.30.130 and 1999 c 151 s 1602 are each amended to read as follows:

(1) A person shall not commercially take Dungeness crab (*Cancer magister*) in Puget Sound without first obtaining a Dungeness crab--Puget Sound fishery license. As used in this section, "Puget Sound" has the meaning given in RCW 75.28.110(5)(a) (as recodified by this act). A Dungeness crab--Puget Sound fishery license is not required to take other species of crab, including red rock crab (*Cancer productus*).

(2) Except as provided in subsections (3) and (6) of this section, after January 1, 1982, the director shall issue no new Dungeness crab--Puget Sound fishery licenses. Only a person who meets the following qualification may renew an existing license: The person shall have held the Dungeness crab--Puget Sound fishery license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

(3) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(4) This section does not restrict the issuance of commercial crab licenses for areas other than Puget Sound or for species other than Dungeness crab.

(5) Dungeness crab--Puget Sound fishery licenses are transferable from one license holder to another.

(6) If fewer than one hundred twenty-five persons are eligible for Dungeness crab--Puget Sound fishery licenses, the director may accept applications for new licenses. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain one hundred twenty-five licenses in the Puget Sound Dungeness crab fishery. The director shall adopt rules governing the application, selection, and issuance procedures for new Dungeness crab--Puget Sound fishery licenses.

Sec. 66. RCW 75.30.140 and 1998 c 190 s 102 are each amended to read as follows:

(1) A person shall not fish commercially for herring in state waters without a herring fishery license. As used in this section, "herring fishery license" means any of the following commercial fishery licenses issued under RCW 75.28.120 (as recodified by this act): Herring dip bag net; herring drag seine; herring gill net; herring lampara; herring purse seine.

(2) Except as provided in this section, a herring fishery license may be issued only to a person who held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(3) Herring fishery licenses may be renewed each year. A herring fishery license that is not renewed each year shall not be renewed further.

(4) The ((department)) director may issue additional herring fishery licenses if the stocks of herring will not be jeopardized by granting additional licenses.

(5) Subject to the restrictions of RCW 75.28.011 (as recodified by this act), herring fishery licenses are transferable from one license holder to another.

Sec. 67. RCW 75.30.170 and 1993 c 340 s 39 are each amended to read as follows:

(1) A person shall not commercially take whiting from areas that the department designates within the waters described in RCW 75.28.110(5)(a) (as recodified by this act) without a whiting-Puget Sound fishery license.

(2) A whiting-Puget Sound fishery license may be issued only to an individual who:

(a) Delivered at least fifty thousand pounds of whiting during the period from January 1, 1981, through February 22, 1985, as verified by fish delivery tickets;

(b) Possessed, on January 1, 1986, all equipment necessary to fish for whiting; and

(c) Held a whiting-Puget Sound fishery license during the previous year or acquired such a license by transfer from someone who held it during the previous year.

~~((2))~~ (3) After January 1, 1995, the director shall issue no new whiting-Puget Sound fishery licenses. After January 1, 1995, only an individual who meets the following qualifications may renew an existing license: The individual shall have held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

~~((3))~~ (4) Whiting-Puget Sound fishery licenses may be renewed each year. A whiting-Puget Sound fishery license that is not renewed each year shall not be renewed further.

Sec. 68. RCW 75.30.180 and 1993 c 340 s 40 are each amended to read as follows:

A whiting-Puget Sound fishery license may be transferred through gift, devise, bequest, or descent to members of the license holder's immediate family which shall be limited to spouse, children, or stepchildren. The holder of a whiting-Puget Sound fishery license shall be present on any vessel taking whiting under the license. In no instance may temporary permits be issued.

The director may adopt rules necessary to implement RCW ~~((75.30.160 through))~~ 75.30.170 and 75.30.180 (as recodified by this act).

Sec. 69. RCW 75.30.220 and 1993 c 340 s 42 are each amended to read as follows:

(1) The director may issue experimental fishery permits for commercial harvest in an emerging commercial fishery for which the director has determined there is a need to limit the number of participants. The director shall determine by rule the number and qualifications of participants for such experimental fishery permits. Only a person who holds an emerging commercial fishery license issued under RCW 75.28.740 (as recodified by this act) and who meets the qualifications established in those rules may hold an experimental fishery permit. The director shall limit the number of these permits to prevent habitat damage, ensure conservation of the resource, and prevent overharvesting. In developing rules for limiting participation in an emerging or expanding commercial fishery, the director shall appoint a five-person advisory board representative of the affected fishery industry. The advisory board shall review and make recommendations to the director on rules relating to the number and qualifications of the participants for such experimental fishery permits.

(2) RCW 34.05.422(3) does not apply to applications for new experimental fishery permits.

(3) Experimental fishery permits are not transferable from the permit holder to any other person.

Sec. 70. RCW 75.30.270 and 1993 c 340 s 37 are each amended to read as follows:

(1) A herring spawn on kelp fishery license is required to commercially take herring eggs which have been deposited on vegetation of any type.

(2) A herring spawn on kelp fishery license may be issued only to a person who:

(a) Holds a herring fishery license issued under RCW 75.28.120 and 75.30.140 (as recodified by this act); and

(b) Is the highest bidder in an auction conducted under subsection (3) of this section.

(3) The department shall sell herring spawn on kelp commercial fishery licenses at auction to the highest bidder. Bidders shall identify their sources of kelp. Kelp harvested from state-owned

aquatic lands as defined in RCW 79.90.465 requires the written consent of the department of natural resources. The department shall give all holders of herring fishery licenses thirty days' notice of the auction.

Sec. 71. RCW 75.30.280 and 1998 c 190 s 106 are each amended to read as follows:

(1) A person shall not harvest geoduck clams commercially without a geoduck fishery license. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Only a person who has entered into a geoduck harvesting agreement with the department of natural resources under RCW 79.96.080 may hold a geoduck fishery license.

(3) A geoduck fishery license authorizes no taking of geoducks outside the boundaries of the public lands designated in the underlying harvesting agreement, or beyond the harvest ceiling set in the underlying harvesting agreement.

(4) A geoduck fishery license expires when the underlying geoduck harvesting agreement terminates.

(5) The director shall determine the number of geoduck fishery licenses that may be issued for each geoduck harvesting agreement, the number of units of gear whose use the license authorizes, and the type of gear that may be used, subject to RCW 75.24.100 (as recodified by this act). In making those determinations, the director shall seek to conserve the geoduck resource and prevent damage to its habitat.

(6) The holder of a geoduck fishery license and the holder's agents and representatives shall comply with all applicable commercial diving safety regulations adopted by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on May 8, 1979, 84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq. A violation of those regulations is a violation of this subsection. For the purposes of this section, persons who dive for geoducks are "employees" as defined by the federal occupational safety and health act. A violation of this subsection is grounds for suspension or revocation of a geoduck fishery license following a hearing under the procedures of chapter 34.05 RCW. The ~~((department))~~ director shall not suspend or revoke a geoduck fishery license if the violation has been corrected within ten days of the date the license holder receives written notice of the violation. If there is a substantial probability that a violation of the commercial diving standards could result in death or serious physical harm to a person engaged in harvesting geoduck clams, the ~~((department))~~ director shall suspend the license immediately until the violation has been corrected. If the license holder is not the operator of the harvest vessel and has contracted with another person for the harvesting of geoducks, the ~~((department))~~ director shall not suspend or revoke the license if the license holder terminates its business relationship with that person until compliance with this subsection is secured.

Sec. 72. RCW 75.30.290 and 1998 c 190 s 107 are each amended to read as follows:

A person shall not commercially deliver into any Washington state port ocean pink shrimp caught in offshore waters without an ocean pink shrimp delivery license issued under RCW 75.28.730 (as recodified by this act), or an ocean pink shrimp single delivery license issued under RCW 75.30.320 (as recodified by this act). An ocean pink shrimp delivery license shall be issued to a vessel that:

(1) Landed a total of at least five thousand pounds of ocean pink shrimp in Washington in any single calendar year between January 1, 1983, and December 31, 1992, as documented by a valid shellfish receiving ticket; and

(2) Can show continuous participation in the Washington, Oregon, or California ocean pink shrimp fishery by being eligible to land ocean pink shrimp in either Washington, Oregon, or California each year since the landing made under subsection (1) of this section. Evidence of such eligibility shall be a certified statement from the relevant state licensing agency that the applicant for a Washington ocean pink shrimp delivery license held at least one of the following permits:

(a) For Washington: Possession of a delivery permit or delivery license issued under RCW 75.28.125 ~~((or a trawl license (other than Puget Sound) issued under RCW 75.28.140))~~ (as recodified by this act);

- (b) For Oregon: Possession of a vessel permit issued under Oregon Revised Statute 508.880;
or
(c) For California: A trawl permit issued under California Fish and Game Code sec. 8842.

Sec. 73. RCW 75.30.300 and 1993 c 376 s 6 are each amended to read as follows:

An applicant who can show historical participation under RCW 75.30.290(1) (as recodified by this act) but does not satisfy the continuous participation requirement of RCW 75.30.290(2) (as recodified by this act) shall be issued an ocean pink shrimp delivery license if:

(1) The owner can prove that the owner was in the process on December 31, 1992, of constructing a vessel for the purpose of ocean pink shrimp harvest. For purposes of this section, "construction" means having the keel laid, and "for the purpose of ocean pink shrimp harvest" means the vessel is designed as a trawl vessel. An ocean pink shrimp delivery license issued to a vessel under construction is not renewable after December 31, 1994, unless the vessel lands a total of at least five thousand pounds of ocean pink shrimp into a Washington state port before December 31, 1994; or

(2) The applicant's vessel is a replacement for a vessel that is otherwise eligible for an ocean pink shrimp delivery license.

Sec. 74. RCW 75.30.320 and 1993 c 376 s 8 are each amended to read as follows:

The owner of an ocean pink shrimp fishing vessel that does not qualify for an ocean pink shrimp delivery license issued under RCW 75.28.730 (as recodified by this act) shall obtain an ocean pink shrimp single delivery license in order to make a landing into a state port of ocean pink shrimp taken in offshore waters. The director shall not issue an ocean pink shrimp single delivery license unless, as determined by the director, a bona fide emergency exists. A maximum of six ocean pink shrimp single delivery licenses may be issued annually to any vessel. (~~Unless adjusted by the director pursuant to the director's authority granted in RCW 75.28.065,)~~ The fee for an ocean pink shrimp single delivery license is one hundred dollars.

Sec. 75. RCW 75.30.330 and 1993 c 376 s 10 are each amended to read as follows:

The director may reduce the landing requirements established under RCW 75.30.290 (as recodified by this act) upon the recommendation of an advisory review board established under RCW 75.30.050 (as recodified by this act), but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the advisory review board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances."

Sec. 76. RCW 75.30.350 and 1998 c 190 s 108 are each amended to read as follows:

(1) A person shall not commercially fish for coastal crab in Washington state waters without a Dungeness crab--coastal or a Dungeness crab--coastal class B fishery license. Gear used must consist of one buoy attached to each crab pot. Each crab pot must be fished individually.

(2) A Dungeness crab--coastal fishery license is transferable. Except as provided in subsection (3) of this section, such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel or a replacement vessel on the qualifying license that singly or in combination meets the following criteria:

(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:

(i) Crab pot--Non-Puget Sound license, issued under RCW 75.28.130(1)(b) (as recodified by this act);

(ii) Nonsalmon delivery license, issued under RCW 75.28.125 (as recodified by this act);

(iii) Salmon troll license, issued under RCW 75.28.110 (as recodified by this act);

- (iv) Salmon delivery license, issued under RCW 75.28.113 (as recodified by this act);
- (v) Food fish trawl license, issued under RCW 75.28.120 (as recodified by this act); or
- (vi) Shrimp trawl license, issued under RCW 75.28.130 (as recodified by this act); or

(b) Made a minimum of four Washington landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have been designated on the qualifying license of the person making the landings; or

(c) Made any number of coastal crab landings totaling a minimum of twenty thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets, showed historical and continuous participation in the coastal crab fishery by having held one of the qualifying licenses each calendar year beginning 1990 through 1993, and the vessel was designated on the qualifying license of the person who held that license in 1994.

(3) A Dungeness crab-coastal fishery license shall be issued to a person who had a new vessel under construction between December 1, 1988, and September 15, 1992, if the vessel made coastal crab landings totaling a minimum of five thousand pounds by September 15, 1993, and the new vessel was designated on the qualifying license of the person who held that license in 1994. All landings shall be documented by valid Washington state shellfish receiving tickets. License applications under this subsection may be subject to review by the advisory review board in accordance with RCW 75.30.050 (as recodified by this act). For purposes of this subsection, "under construction" means either:

- (a)(i) A contract for any part of the work was signed before September 15, 1992; and
- (ii) The contract for the vessel under construction was not transferred or otherwise alienated from the contract holder between the date of the contract and the issuance of the Dungeness crab-coastal fishery license; and
- (iii) Construction had not been completed before December 1, 1988; or
- (b)(i) The keel was laid before September 15, 1992; and
- (ii) Vessel ownership was not transferred or otherwise alienated from the owner between the time the keel was laid and the issuance of the Dungeness crab-coastal fishery license; and
- (iii) Construction had not been completed before December 1, 1988.

(4) A Dungeness crab--coastal class B fishery license is not transferable. Such a license shall be issued to persons who do not meet the qualification criteria for a Dungeness crab--coastal fishery license, if the person has designated on a qualifying license after December 31, 1993, a vessel or replacement vessel that, singly or in combination, made a minimum of four landings totaling a minimum of two thousand pounds of coastal crab, documented by valid Washington state shellfish receiving tickets, during at least one of the four qualifying seasons, and if the person has participated continuously in the coastal crab fishery by having held or by having owned a vessel that held one or more of the licenses listed in subsection (2) of this section in each calendar year subsequent to the qualifying season in which qualifying landings were made through 1994. Dungeness crab--coastal class B fishery licenses cease to exist after December 31, 1999, and the continuing license provisions of RCW 34.05.422(3) are not applicable.

(5) The four qualifying seasons for purposes of this section are:

- (a) December 1, 1988, through September 15, 1989;
- (b) December 1, 1989, through September 15, 1990;
- (c) December 1, 1990, through September 15, 1991; and
- (d) December 1, 1991, through September 15, 1992.

(6) For purposes of this section and RCW 75.30.420 (as recodified by this act), "coastal crab" means Dungeness crab (cancer magister) taken in all Washington territorial and offshore waters south of the United States-Canada boundary and west of the Bonilla-Tatoosh line (a line from the western end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

(7) For purposes of this section, "replacement vessel" means a vessel used in the coastal crab fishery in 1994, and that replaces a vessel used in the coastal crab fishery during any period from 1988 through 1993, and which vessel's licensing and catch history, together with the licensing and catch history of the vessel it replaces, qualifies a single applicant for a Dungeness crab--coastal or Dungeness crab--coastal class B fishery license. A Dungeness crab--coastal or Dungeness crab--coastal class B fishery license may only be issued to a person who designated a vessel in the 1994 coastal crab fishery and who designated the same vessel in 1995.

Sec. 77. RCW 75.30.370 and 1994 c 260 s 4 are each amended to read as follows:

A person commercially fishing for Dungeness crab in offshore waters outside of Washington state jurisdiction shall obtain a Dungeness crab offshore delivery license from the director if the person does not possess a valid Dungeness crab-coastal fishery license or a valid Dungeness crab-coastal class B fishery license and the person wishes to land Dungeness crab into a place or a port in the state. The annual fee for a Dungeness crab offshore delivery license is two hundred fifty dollars. The director may specify restrictions on landings of offshore Dungeness crab in Washington state as authorized in RCW 75.30.360 (as recodified by this act).

Fees from the offshore Dungeness crab delivery license shall be placed in the ~~((coastal~~ ~~coastal))~~ coastal crab account created in RCW 75.30.390 (as recodified by this act).

Sec. 78. RCW 75.30.380 and 1997 c 418 s 3 are each amended to read as follows:

Dungeness crab-coastal fishery licenses are freely transferable on a willing seller-willing buyer basis after paying the transfer fee in RCW 75.28.011 (as recodified by this act).

Sec. 79. RCW 75.30.390 and 1997 c 418 s 4 are each amended to read as follows:

The coastal crab account is created in the custody of the state treasurer. The account shall consist of revenues from fees from the transfer of each Dungeness crab-coastal fishery license assessed under RCW 75.28.011 (as recodified by this act), delivery fees assessed under RCW 75.30.370 (as recodified by this act), and the license surcharge under RCW 75.28.133 (as recodified by this act). Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures. Funds may be used for coastal crab management activities as provided in RCW 75.30.410 (as recodified by this act).

Sec. 80. RCW 75.30.420 and 1994 c 260 s 9 are each amended to read as follows:

(1) An Oregon resident who can show historical and continuous participation in the Washington state coastal crab fishery by having held a nonresident non-Puget Sound crab pot license issued under RCW 75.28.130 (as recodified by this act) each year from 1990 through 1994, and who has delivered a minimum of eight landings totaling five thousand pounds of crab into Oregon during any two of the four qualifying seasons as provided in RCW 75.30.350~~((4))~~ (5) (as recodified by this act) as evidenced by valid Oregon fish receiving tickets, shall be issued a nonresident Dungeness crab-coastal fishery license valid for fishing in Washington state waters north from the Oregon-Washington boundary to United States latitude forty-six degrees thirty minutes north. Such license shall be issued upon application and submission of proof of delivery.

(2) This section shall become effective contingent upon reciprocal statutory authority in the state of Oregon providing for equal access for Washington state coastal crab fishers to Oregon territorial coastal waters north of United States latitude forty-five degrees fifty-eight minutes north, and Oregon waters of the Columbia river.

Sec. 81. RCW 75.30.440 and 1994 c 260 s 13 are each amended to read as follows:

Except as provided under RCW 75.30.460 (as recodified by this act), the director shall issue no new Dungeness crab-coastal fishery licenses after December 31, 1995. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person. Where the person failed to obtain the

license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

Sec. 82. RCW 75.30.460 and 1994 c 260 s 17 are each amended to read as follows:

If fewer than one hundred seventy-five persons are eligible for Dungeness crab-coastal fishery licenses, the director may accept applications for new licenses. Additional licenses issued may maintain a maximum of one hundred seventy-five licenses in the Washington coastal crab fishery. If additional licenses are to be issued, the director shall adopt rules governing the notification, application, selection, and issuance procedures for new Dungeness crab-coastal fishery licenses, based on recommendations of the advisory review board established under RCW 75.30.050 (as recodified by this act).

Sec. 83. RCW 75.30.470 and 1994 c 260 s 19 are each amended to read as follows:

The director may reduce the landing requirements established under RCW 75.30.350 (as recodified by this act) upon the recommendation of an advisory review board established under RCW 75.30.050 (as recodified by this act), but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the advisory review board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances." Extenuating circumstances may include situations in which a person had a vessel under construction such that qualifying landings could not be made. In defining extenuating circumstances, special consideration shall be given to individuals who can provide evidence of lack of access to capital based on past discrimination due to race, creed, color, sex, national origin, or disability.

Sec. 84. RCW 75.30.490 and 1999 c 239 s 3 are each amended to read as follows:

- (1) The Puget Sound shrimp emerging fishery management regime is converted from an emerging fishery status to a limited entry fishery status effective January 1, 2000.
- (2) Effective January 1, 2000, a person shall not fish for shrimp taken from Puget Sound for commercial purposes with shrimp pot gear except under the provisions of a shrimp pot-Puget Sound fishery license issued under RCW 75.28.130 (as recodified by this act).
- (3) Effective January 1, 2000, a shrimp pot-Puget Sound fishery license shall only be issued to a natural person who held an emerging commercial fishery license and Puget Sound shrimp pot experimental fishery permit during 1999. Beginning January 1, 2001, a shrimp pot-Puget Sound fishery license shall only be issued to a natural person who held a shrimp pot-Puget Sound fishery license during the previous year.
- (4) Shrimp pot-Puget Sound fishery licenses are nontransferable.
- (5) The department, by rule, may set licensee participation requirements for Puget Sound shellfish pot shrimp harvest.

Sec. 85. RCW 75.30.500 and 1999 c 239 s 4 are each amended to read as follows:

- (1) The Puget Sound shrimp emerging fishery management regime is converted from an emerging fishery status to a limited entry fishery status effective January 1, 2000.
- (2) Effective January 1, 2000, a person shall not fish for shrimp taken from Puget Sound for commercial purposes with shrimp trawl gear except under the provisions of a shrimp trawl-Puget Sound fishery license issued under RCW 75.28.130 (as recodified by this act).
- (3) Effective January 1, 2000, a shrimp trawl-Puget Sound fishery license shall only be issued to a natural person who held an emerging commercial fishery license and Puget Sound shrimp trawl experimental fishery permit during 1999. Beginning January 1, 2001, a shrimp trawl-Puget Sound fishery license shall only be issued to a natural person who held a shrimp trawl-Puget Sound fishery license during the previous licensing year.
- (4) The department, by rule, may set licensee participation requirements for Puget Sound shellfish trawl shrimp harvest.

(5) Shrimp trawl-Puget Sound fishery licenses are nontransferable.

Sec. 86. RCW 75.40.020 and 1995 1st sp.s. c 2 s 19 are each amended to read as follows:

The commission may give to the state of Oregon such consent and approbation of the state of Washington as is necessary under the compact set out in RCW 75.40.010 (as recodified by this act). For the purposes of RCW 75.40.010 (as recodified by this act), the states of Washington and Oregon have concurrent jurisdiction in the concurrent waters of the Columbia river (~~as defined in RCW 75.08.014~~)).

Sec. 87. RCW 75.40.110 and 1994 c 148 s 2 are each amended to read as follows:

Until such time as the agencies in California, Idaho, Oregon, and Washington present a final proposed interstate compact for enactment by their respective legislative bodies, the governor may establish cooperative agreements with the states of California, Idaho, and Oregon that allow the states to coordinate their individual efforts in developing state programs that further the region-wide goals set forth under RCW 75.40.100 (as recodified by this act).

Sec. 88. RCW 75.44.100 and 1985 c 7 s 150 are each amended to read as follows:

As used in this chapter:

(1) "Case areas" means those areas of the Western district of Washington and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in *United States of America et al. v. State of Washington et al.*, Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decisions;

(2) "Program" means the program established under RCW 75.44.100 through 75.44.150 (as recodified by this act).

Sec. 89. RCW 75.44.120 and 1983 1st ex.s. c 46 s 157 are each amended to read as follows:

The purchase price of a vessel and appurtenant gear shall be based on a survey conducted by a qualified marine surveyor. A license or delivery permit shall be valued separately.

The director may specify a maximum price to be paid for a vessel, gear, license, or delivery permit purchased under RCW 75.44.110 (as recodified by this act). A license or delivery permit purchased under RCW 75.44.110 (as recodified by this act) shall be permanently retired by the department.

Sec. 90. RCW 75.44.130 and 1983 1st ex.s. c 46 s 158 are each amended to read as follows:

The department may arrange for the insurance, storage, and resale or other disposition of vessels and gear purchased under RCW 75.44.110 (as recodified by this act). Vessels shall not be resold by the department to the seller or the seller's immediate family. The vessels shall not be used by any owner or operator: (1) As a commercial fishing or charter vessel in state waters; or (2) to deliver fish to a place or port in the state. The department shall require that the purchasers and other users of vessels sold by the department execute suitable instruments to insure compliance with the requirements of this section. The director may commence suit or be sued on such an instrument in a state court of record or United States district court having jurisdiction.

Sec. 91. RCW 75.44.150 and 1983 1st ex.s. c 46 s 160 are each amended to read as follows:

The director is responsible for the administration and disbursement of all funds, goods, commodities, and services received by the state under the program.

There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund". This fund shall be used for purchases under RCW 75.44.110 (as recodified by this act) and for the administration of the program. This fund shall be credited with federal or other funds received to carry out the purposes of the program and the proceeds from the sale or other disposition of property purchased under RCW 75.44.110 (as recodified by this act).

Sec. 92. RCW 75.46.010 and 1998 c 246 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 75.46.070(2) (as recodified by this act). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, a combination of such governments through interlocal agreements provided under chapter 39.34 RCW, a nonprofit organization, or one or more private citizens.

(7) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(8) "Salmon recovery plan" means a state plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(9) "Tribe" or "tribes" means federally recognized Indian tribes.

(10) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(11) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

Sec. 93. RCW 75.46.040 and 1999 1st sp.s. c 13 s 8 are each amended to read as follows:

(1) The salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development of salmon recovery plans for evolutionarily significant units, and submit those plans to the appropriate tribal governments and federal agencies as an integral part of a state-wide strategy developed consistent with the guiding principles and procedures under RCW 75.46.190 (as recodified by this act). The governor's salmon recovery office may also:

(a) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's endangered species act salmon recovery plans; and

(b) Provide the biennial state of the salmon report to the legislature pursuant to RCW 75.46.030 (as recodified by this act).

(2) This section expires June 30, 2006.

Sec. 94. RCW 75.46.050 and 1999 1st sp.s. c 13 s 10 are each amended to read as follows:

(1) The governor shall request the national academy of sciences, the American fisheries society, or a comparable institution to screen candidates to serve as members on the independent science panel. The institution that conducts the screening of the candidates shall submit a list of the

nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate. The candidates shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(2) The speaker of the house of representatives and the majority leader in the senate may each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years. Based upon available funding, the governor's salmon recovery office may contract for services with members of the independent science panel for compensation under chapter 39.29 RCW.

(4) The independent science panel shall be governed by generally accepted guidelines and practices governing the activities of independent science boards such as the national academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office shall request review of salmon recovery plans by the science review panel. The science panel does not have the authority to review individual projects or habitat project lists developed under RCW 75.46.060, 75.46.070, and 75.46.080 (as recodified by this act) or to make policy decisions. The panel shall periodically submit its findings and recommendations under this subsection to the legislature and the governor.

(5) The independent science panel, in conjunction with the technical review team, shall recommend standardized monitoring indicators and data quality guidelines for use by entities involved in habitat projects and salmon recovery activities across the state.

(6) The independent science panel, in conjunction with the technical review team, shall also recommend criteria for the systematic and periodic evaluation of monitoring data in order for the state to be able to answer critical questions about the effectiveness of the state's salmon recovery efforts.

(7) The recommendations on monitoring as required in this section shall be provided in a report to the governor and to the legislature by the independent science panel, in conjunction with the salmon recovery office, no later than December 31, 2000. The report shall also include recommendations on the level of effort needed to sustain monitoring of salmon projects and other recovery efforts, and any other recommendations on monitoring deemed important by the independent science panel and the technical review team. The report may be included in the biennial state of the salmon report required under RCW 75.46.030 (as recodified by this act).

Sec. 95. RCW 75.46.070 and 1999 1st sp.s. c 13 s 12 are each amended to read as follows:

(1) Critical pathways methodology shall be used to develop a habitat project list and a habitat work schedule that ensures salmon habitat projects will be prioritized and implemented in a logical sequential manner that produces habitat capable of sustaining healthy populations of salmon.

(2) The critical pathways methodology shall:

(a) Include a limiting factors analysis for salmon in streams, rivers, tributaries, estuaries, and subbasins in the region. The technical advisory group shall have responsibility for the limiting factors analysis;

(b) Identify local habitat projects that sponsors are willing to undertake. The projects identified must have a written agreement from the landowner on which the project is to be implemented. Project sponsors shall have the lead responsibility for this task;

(c) Identify how projects will be monitored and evaluated. The project sponsor, in consultation with the technical advisory group and the appropriate landowner, shall have responsibility for this task;

(d) Include a review of monitoring data, evaluate project performance, and make recommendations to the committee established under RCW 75.46.060 (as recodified by this act) and to the technical review team. The technical advisory group has responsibility for this task; and

(e) Describe the adaptive management strategy that will be used. The committee established under RCW 75.46.060 (as recodified by this act) shall have responsibility for this task. If a committee has not been formed, the technical advisory group shall have the responsibility for this task.

(3) The habitat work schedule shall include all projects developed pursuant to subsection (2) of this section, and shall identify and coordinate with any other salmon habitat project implemented in the region, including habitat preservation projects funded through the Washington wildlife and recreation program, the conservation reserve enhancement program, and other conservancy programs. The habitat work schedule shall also include the start date, duration, estimated date of completion, estimated cost, and, if appropriate, the affected salmonid species of each project. Each schedule shall be updated on an annual basis to depict new activities.

Sec. 96. RCW 75.46.080 and 1999 1st sp.s. c 13 s 15 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, the department of natural resources, the department of ecology, and the department of fish and wildlife shall establish an interagency review team. Habitat restoration project lists shall be submitted to the interagency review team by January 1st and July 1st of each year. The purpose of the team is to assist the salmon recovery funding board in developing procedures and standards for state-wide funding allocation, and to assist the board in reviewing funding applications to identify the highest priority projects and activities for funding.

(2) If a lead entity established under RCW 75.46.060 (as recodified by this act) has been formed, the interagency review team shall evaluate habitat project lists developed pursuant to RCW 75.46.060 (as recodified by this act) and submitted to the board for consideration for funding. The team shall advise the board on whether the list for the area complies with the list development procedures and critical path methodology provided by RCW 75.46.060 and 75.46.070 (as recodified by this act). When the board determines the list to comply with those requirements it shall accord substantial weight to the list's project priorities when making determinations among applications for funding of projects and activities within the area covered by the list. Projects that include use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds shall receive consideration for funding.

(3) The board may annually establish a maximum amount of funding available for any individual project, subject to available funding.

(4) Where a lead entity has been established pursuant to RCW 75.46.060 (as recodified by this act), the board may provide grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding.

(5) The interagency review team shall review, rank, and approve projects submitted for funding until January 1, 2000.

(6) This section expires July 1, 2000.

Sec. 97. RCW 75.46.090 and 1998 c 246 s 10 are each amended to read as follows:

(1) The conservation commission, in consultation with local government and the tribes, shall invite private, federal, state, tribal, and local government personnel with appropriate expertise to act as a technical advisory group.

(2) For state personnel, involvement on the technical advisory group shall be at the discretion of the particular agency. Unless specifically provided for in the budget, technical assistance participants shall be provided from existing full-time equivalent employees.

(3) The technical advisory group shall identify the limiting factors for salmonids to respond to the limiting factors relating to habitat pursuant to RCW 75.46.070(2) (as recodified by this act).

(4) Where appropriate, the conservation district within the area implementing this chapter shall take the lead in developing and maintaining relationships between the technical advisory group and the private landowners under RCW 75.46.080 (as recodified by this act). The conservation districts may assist landowners to organize around river, tributary, estuary, or subbasins of a watershed.

(5) Fishery enhancement groups and other volunteer organizations may participate in the activities under this section.

Sec. 98. RCW 75.46.100 and 1999 1st sp.s. c 13 s 14 are each amended to read as follows:

The sea grant program at the University of Washington is authorized to provide technical assistance to volunteer groups and other project sponsors in designing and implementing habitat

projects that address the limiting factors analysis required under RCW 75.46.070 (as recodified by this act). The cost for such assistance may be covered on a fee-for-service basis.

Sec. 99. RCW 75.46.110 and 1998 c 246 s 12 are each amended to read as follows:

The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created. (~~If chapter 60, Laws of 1998 is not enacted by July 1, 1998, this section is null and void.~~)

Sec. 100. RCW 75.46.120 and 1998 c 246 s 16 are each amended to read as follows:

(1) The departments of transportation, fish and wildlife, and ecology, and tribes shall convene a work group to develop policy guidance to evaluate mitigation alternatives. The policy guidance shall be designed to enable committees established under RCW 75.46.060 (as recodified by this act) to develop and implement habitat project lists that maximize environmental benefits from project mitigation while reducing project design and permitting costs. The work group shall seek technical assistance to ensure that federal, state, treaty right, and local environmental laws and ordinances are met. The purpose of this section is not to increase regulatory requirements or expand departmental authority.

(2) The work group shall develop guidance for determining alternative mitigation opportunities. Such guidance shall include criteria and procedures for identifying and evaluating mitigation opportunities within a watershed. Such guidance shall create procedures that provide alternative mitigation that has a low risk to the environment, yet has high net environmental, social, and economic benefits compared to status quo options.

(3) The evaluation shall include:

(a) All elements of mitigation, including but not limited to data requirements, decision making, state and tribal agency coordination, and permitting; and

(b) Criteria and procedures for identifying and evaluating mitigation opportunities, including but not limited to the criteria in chapter 90.74 RCW.

(4) Committees established under RCW 75.46.060 (as recodified by this act) shall coordinate voluntary collaborative efforts between habitat project proponents and mitigation project proponents. Mitigation funds may be used to implement projects identified by a work plan to mitigate for the impacts of a transportation or other development proposal or project.

(5) For the purposes of this section, "mitigation" has the same meaning as provided in RCW 90.74.010.

Sec. 101. RCW 75.46.160 and 1999 1st sp.s. c 13 s 4 are each amended to read as follows:

(1) The (~~(salmon recovery funding)~~) salmon recovery funding board is responsible for making grants and loans for salmon habitat projects and salmon recovery activities from the amounts appropriated to the board for this purpose. To accomplish this purpose the board may:

(a) Provide assistance to grant applicants regarding the procedures and criteria for grant and loan awards;

(b) Make and execute all manner of contracts and agreements with public and private parties as the board deems necessary, consistent with the purposes of this chapter;

(c) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms that are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(2) The interagency committee for outdoor recreation shall provide all necessary grants and loans administration assistance to the board, and shall distribute funds as provided by the board in RCW 75.46.170 (as recodified by this act).

Sec. 102. RCW 75.46.170 and 1999 1st sp.s. c 13 s 5 are each amended to read as follows:

(1) The ~~((salmon recovery funding))~~ salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a state-wide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 75.46.070 (as recodified by this act);

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species; and

(iv) Will preserve high quality salmonid habitat.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding; and

(iii) Will be implemented by a sponsor with a successful record of project implementation.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) For fiscal year 2000, the board may authorize the interagency review team to evaluate, rank, and make funding decisions for categories of projects or activities or from funding sources provided for categories of projects or activities. In delegating such authority the board shall consider the review team's staff resources, procedures, and technical capacity to meet the purposes and objectives of this chapter. The board shall maintain general oversight of the team's exercise of such authority.

(5) The board shall seek the guidance of the technical review team to ensure that scientific principles and information are incorporated into the allocation standards and into proposed projects and activities. If the technical review team determines that a habitat project list complies with the critical pathways methodology under RCW 75.46.070 (as recodified by this act), it shall provide substantial weight to the list's project priorities when making determinations among applications for funding of projects within the area covered by the list.

(6) The board shall establish criteria for determining when block grants may be made to a lead entity or other recognized regional recovery entity consistent with one or more habitat project lists developed for that region. Where a lead entity has been established pursuant to RCW 75.46.060 (as recodified by this act), the board may provide grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding. The board shall determine an equitable minimum amount of funds for each region, and shall distribute the remainder of funds on a competitive basis.

(7) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

Sec. 103. RCW 75.46.180 and 1999 1st sp.s. c 13 s 6 are each amended to read as follows:

(1) Habitat project lists shall be submitted to the salmon recovery funding board for funding by January 1st and July 1st of each year beginning in 2000. The board shall provide the legislature with a list of the proposed projects and a list of the projects funded by October 1st of each year beginning in 2000 for informational purposes.

(2) The interagency committee for outdoor recreation shall track all funds allocated for salmon habitat projects and salmon recovery activities on behalf of the board, including both funds allocated by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement.

(3) Beginning in December 2000, the board shall provide a biennial report to the governor and the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 75.46.030 (as recodified by this act).

Sec. 104. RCW 75.48.100 and 1983 1st ex.s. c 46 s 170 are each amended to read as follows:

The bonds authorized by this chapter shall be issued only after the director has certified, based upon reasonable estimates and data provided to the department, that sufficient revenues will be available from sport and commercial salmon license sales and from salmon fees and taxes to meet the requirements of RCW 75.48.080 (as recodified by this act) during the life of the bonds.

Sec. 105. RCW 75.50.080 and 1997 c 389 s 5 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020 (as recodified by this act), shall seek to:

- (1) Enhance the salmon and steelhead resources of the state;
- (2) Maximize volunteer efforts and private donations to improve the salmon and steelhead resources for all citizens;
- (3) Assist the department in achieving the goal to double the state-wide salmon and steelhead catch by the year 2000; and
- (4) Develop projects designed to supplement the fishery enhancement capability of the department.

Sec. 106. RCW 75.50.100 and 1998 c 245 s 155 and 1998 c 191 s 27 are each reenacted and amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A portion of each recreational fishing license fee shall be used as provided in RCW 77.32.440. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110 (as recodified by this act). Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

Sec. 107. RCW 75.50.105 and 1997 c 389 s 2 are each amended to read as follows:

The department may provide start-up funds to regional fisheries enhancement groups for costs associated with any enhancement project. The regional fisheries enhancement group advisory board and the ~~((department))~~ commission shall develop guidelines for providing funds to the regional fisheries enhancement groups.

Sec. 108. RCW 75.50.110 and 1995 1st sp.s. c 2 s 40 and 1995 c 367 s 5 are each reenacted and amended to read as follows:

(1) A regional fisheries enhancement group advisory board is established to make recommendations to the commission. The members shall be appointed by the commission and consist of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. At least two of the advisory board members shall be members of a regional fisheries enhancement group. Advisory board members shall serve three-year terms. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia river intertribal fish commission. The chair of the regional fisheries enhancement group advisory board shall be elected annually by members of the regional fisheries enhancement (~~(group)~~) group advisory board. The advisory board shall meet at least quarterly. All meetings of the advisory board shall be open to the public under the open public meetings act, chapter 42.30 RCW.

The department shall invite the advisory board to comment and provide input into all relevant policy initiatives, including, but not limited to, wild stock, hatcheries, and habitat restoration efforts.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department may use account funds to provide agency assistance to the groups, to provide professional, administrative or clerical services to the advisory board, or to implement the training and technical (~~(assistance)~~) assistance services plan as developed by the advisory board pursuant to RCW 75.50.115 (as recodified by this act). The level of account funds used by the department shall be determined by the commission after review of recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

Sec. 109. RCW 75.50.115 and 1998 c 96 s 1 are each amended to read as follows:

(1) The regional fisheries enhancement group advisory board shall:

(a) Assess the training and technical assistance needs of the regional fisheries enhancement groups;

(b) Develop a training and technical assistance services plan in order to provide timely, topical technical assistance and training services to regional fisheries enhancement groups. The plan shall be provided to the director and to the senate and house of representatives natural resources committees no later than October 1, 1995, and shall be updated not less than every year. The advisory board shall provide ample opportunity for the public and interested parties to participate in the development of the plan. The plan shall include but is not limited to:

(i) Establishment of an information clearinghouse service that is readily available to regional fisheries enhancement groups. The information clearinghouse shall collect, collate, and make available a broad range of information on subjects that affect the development, implementation, and operation of diverse fisheries and habitat enhancement projects. The information clearinghouse service may include periodical news and informational bulletins;

(ii) An ongoing program in order to provide direct, on-site technical assistance and services to regional fisheries enhancement groups. The advisory board shall assist regional fisheries enhancement groups in soliciting federal, state, and local agencies, tribal governments, institutions of higher education, and private business for the purpose of providing technical assistance and services to regional fisheries enhancement group projects; and

(iii) A cost estimate for implementing the plan;

(c) Propose a budget to the director for operation of the advisory board and implementation of the technical assistance plan;

(d) Make recommendations to the director regarding regional enhancement group project proposals and funding of those proposals; and

(e) Establish criteria for the redistribution of unspent project funds for any regional enhancement group that has a year ending balance exceeding one hundred thousand dollars.

(2) The regional fisheries enhancement group advisory board may:

- (a) Facilitate resolution of disputes between regional fisheries enhancement groups and the department;
- (b) Promote community and governmental partnerships that enhance the salmon resource and habitat;
- (c) Promote environmental ethics and watershed stewardship;
- (d) Advocate for watershed management and restoration;
- (e) Coordinate regional fisheries enhancement group workshops and training;
- (f) Monitor and evaluate regional fisheries enhancement projects;
- (g) Provide guidance to regional fisheries enhancement groups; and
- (h) Develop recommendations to the director to address identified impediments to the success of regional fisheries enhancement groups.

(3)(a) The regional fisheries enhancement group advisory board shall develop recommendations for limitations on the amount of overhead that a regional fisheries enhancement group may charge from each of the following categories of funding provided to the group:

- (i) Federal funds;
- (ii) State funds;
- (iii) Local funds; and
- (iv) Private donations.

(b) The advisory board shall develop recommendations for limitations on the number and salary of paid employees that are employed by a regional fisheries enhancement group. The regional fisheries enhancement group advisory board shall adhere to the founding principles for regional groups that emphasize the volunteer nature of the groups, maximization of field-related fishery resource benefits, and minimization of overhead.

(c) The advisory board shall evaluate and make recommendations for the limitation or elimination of commissions, finders fees, or other reimbursements to regional fisheries enhancement group employees.

~~((d) The regional fisheries enhancement group advisory board shall report to the appropriate legislative committees by January 1, 1999, on the board recommendations for overhead limitations, paid employee limitations, and commission limitations for regional fisheries enhancement groups.))~~

Sec. 110. RCW 75.50.160 and 1997 c 389 s 6 are each amended to read as follows:

The department and the department of transportation shall convene a fish passage barrier removal task force. The task force shall consist of one representative each from the department, the department of transportation, the department of ecology, tribes, cities, counties, a business organization, an environmental organization, regional fisheries enhancement groups, and other interested entities as deemed appropriate by the cochairs. The persons representing the department and the department of transportation shall serve as cochairs of the task force and shall appoint members to the task force. The task force shall make recommendations to expand the program in RCW 75.50.170 (as recodified by this act) to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical. Program recommendations shall include a funding mechanism and other necessary mechanisms to coordinate and prioritize state, tribal, local, and volunteer efforts within each water resource inventory area. A priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. The department or the department of transportation may contract with cities and counties to assist in the identification and removal of impediments to anadromous fish passage.

~~((A report on the recommendations to develop a program to identify and remove fish passage barriers and any additional legislative action needed to implement the program shall be submitted to the appropriate standing committees of the legislature no later than December 1, 1997.))~~

Sec. 111. RCW 75.52.020 and 1993 sp.s. c 2 s 50 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department relating to a cooperative fish or wildlife project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit the fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and wildlife reared and released, are available to all citizens of the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

~~((3) "Department" means the department of fish and wildlife.))~~

Sec. 112. RCW 75.52.050 and 1995 1st sp.s. c 2 s 42 are each amended to read as follows:
The commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 75.08.295 ~~((or 77.16.150))~~ (as recodified by this act). The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects.

(4) The procedure for ~~((notice in writing to a volunteer group of cause to revoke))~~ the director to notify a volunteer group that the agreement for the project is being revoked for cause and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

Sec. 113. RCW 75.52.070 and 1984 c 72 s 7 are each amended to read as follows:

(1) The volunteer group shall:

(a) Provide care and diligence in conducting the cooperative project; and

(b) Maintain accurately the required records of the project on forms provided by the department.

(2) The volunteer group shall acknowledge that fish and game reared in cooperative projects are public property and must be handled and released for the benefit of all citizens of the state. The fish and game are to remain public property until reduced to private ownership under rules of the ~~((department))~~ commission.

Sec. 114. RCW 75.52.100 and 1993 sp.s. c 2 s 52 are each amended to read as follows:

A salmon spawning channel shall be constructed on the Cedar river with the assistance and cooperation of the department. The department shall use existing personnel and the volunteer fisheries

enhancement program outlined under chapter 75.52 RCW (as recodified by this act) to assist in the planning, construction, and operation of the spawning channel.

Sec. 115. RCW 75.52.110 and 1998 c 245 s 156 are each amended to read as follows:

The department shall chair a technical committee, which shall review the preparation of enhancement plans and construction designs for a Cedar river sockeye spawning channel. The technical committee shall consist of not more than eight members: One representative each from the department, national marine fisheries service, United States fish and wildlife service, and Muckleshoot Indian tribe; and four representatives from the public utility described in RCW 75.52.130 (as recodified by this act). The technical committee will be guided by a policy committee, also to be chaired by the department, which shall consist of not more than six members: One representative from the department, one from the Muckleshoot Indian tribe, and one from either the national marine fisheries service or the United States fish and wildlife service; and three representatives from the public utility described in RCW 75.52.130 (as recodified by this act). The policy committee shall oversee the operation and evaluation of the spawning channel. The policy committee will continue its oversight until the policy committee concludes that the channel is meeting the production goals specified in RCW 75.52.120 (as recodified by this act).

Sec. 116. RCW 75.52.130 and 1989 c 85 s 6 are each amended to read as follows:

The legislature recognizes that, if funding for planning, design, evaluation, construction, and operating expenses is provided by a public utility that diverts water for beneficial public use, and if the performance of the spawning channel meets the production goals described in RCW 75.52.120 (as recodified by this act), the spawning channel project will serve, at a minimum, as compensation for lost sockeye salmon spawning habitat upstream of the Landsburg diversion. The amount of funding to be supplied by ~~(said)~~ the utility will fully fund the total cost of planning, design, evaluation, and construction of the spawning channel.

Sec. 117. RCW 75.52.140 and 1989 c 85 s 7 are each amended to read as follows:

In order to provide operation and maintenance funds for the facility authorized by RCW 75.52.100 through 75.52.160 (as recodified by this act), the utility shall place two million five hundred thousand dollars in the state general fund Cedar river channel construction and operation account herein created. The interest from the fund shall be used for operation and maintenance of the spawning channel and any unused interest shall be added to the fund to increase the principal to cover possible future operation cost increases. The state treasurer may invest funds from the account as provided by law.

Sec. 118. RCW 75.52.160 and 1993 sp.s. c 2 s 54 are each amended to read as follows:

Should the requirements of RCW 75.52.100 through 75.52.160 (as recodified by this act) not be met, the department shall seek immediate legal clarification of the steps which must be taken to fully mitigate water diversion projects on the Cedar river.

Sec. 119. RCW 75.54.140 and 1998 c 191 s 28 are each amended to read as follows:

As provided in RCW 77.32.440, a portion of each saltwater and combination fishing license fee shall be deposited in the recreational fisheries enhancement account created in RCW 75.54.150 (as recodified by this act).

Sec. 120. RCW 75.54.150 and 1993 sp.s. c 2 s 98 are each amended to read as follows:

The recreational fisheries enhancement account is created in the state treasury. All receipts from RCW 75.54.140 (as recodified by this act) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for recreational fisheries enhancement programs.

Sec. 121. RCW 75.56.050 and 1998 c 60 s 2 are each amended to read as follows:

(1) A pilot program for steelhead recovery is established in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties within the habitat area classified as evolutionarily significant unit 4 by the federal national marine fisheries service. The management board created under subsection (2) of this section is responsible for implementing the habitat portion of the approved steelhead recovery initiative and is empowered to receive and disburse funds for the approved steelhead recovery initiative. The management board created pursuant to this section shall constitute the ~~((regional council for this area responsible for fulfilling the requirements and exercising the powers of a regional council under chapter 246, Laws of 1998))~~ lead entity and the committee established under RCW 75.46.060 (as recodified by this act) responsible for fulfilling the requirements and exercising powers under this chapter.

(2) A management board consisting of fifteen voting members is created within evolutionarily significant unit 4. The members shall consist of one county commissioner or designee from each of the five participating counties selected by each county legislative authority; one member representing the cities contained within evolutionarily significant unit 4 as a voting member selected by the cities in evolutionarily significant unit 4; a representative of the Cowlitz Tribe appointed by the tribe; one state legislator elected from one of the legislative districts contained within evolutionarily significant unit 4 selected by that group of state legislators representing the area; five representatives to include at least one member who represents private property interests appointed by the five county commissioners or designees; one hydro utility representative nominated by hydro utilities and appointed by the five county commissioners or designees; and one representative nominated from the environmental community who resides in evolutionarily significant unit 4 appointed by the five county commissioners or designees. The board shall appoint and consult a technical advisory committee, which shall include four representatives of state agencies one each appointed by the directors of the departments of ecology, fish and wildlife, and transportation, and the commissioner of public lands. The board may also appoint additional persons to the technical advisory committee as needed. The chair of the board shall be selected from among the five county commissioners or designees and the legislator on the board. In making appointments under this subsection, the county commissioners shall consider recommendations of interested parties. Vacancies shall be filled in the same manner as the original appointments were selected. No action may be brought or maintained against any management board member, the management board, or any of its agents, officers, or employees for any noncontractual acts or omissions in carrying out the purposes of this section.

(3)(a) The management board shall participate in the development of a recovery plan to implement its responsibilities under (b) of this subsection. The management board shall consider local watershed efforts and activities as well as habitat conservation plans in the implementation of the recovery plan. Any of the participating counties may continue its own efforts for restoring steelhead habitat. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(b) The management board is responsible for implementing the habitat portions of the local government responsibilities of the lower Columbia steelhead conservation initiative approved by the state and the national marine fisheries service. The management board may work in cooperation with the state and the national marine fisheries service to modify the initiative, or to address habitat for other aquatic species that may be subsequently listed under the federal endangered species act. The management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(c) The management board shall prioritize as appropriate and approve projects and programs related to the recovery of lower Columbia river steelhead runs, including the funding of those projects and programs, and coordinate local government efforts as prescribed in the recovery plan. The management board shall establish criteria for funding projects and programs based upon their likely value in steelhead recovery. The management board may consider local economic impact among the criteria, but jurisdictional boundaries and factors related to jurisdictional population may not be considered as part of the criteria.

(d) The management board shall assess the factors for decline along each prioritized stream as listed in the lower Columbia steelhead conservation initiative. The management board is encouraged to

take a stream-by-stream approach in conducting the assessment which utilizes state and local expertise, including volunteer groups, interest groups, and affected units of local government.

(4) The management board has the authority to hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to cities and counties about potential code changes and the development of programs and incentives upon request, pay all necessary expenses, and may choose a fiduciary agent. The management board shall report on its progress on a quarterly basis to the legislative bodies of the five participating counties and the state natural resource-related agencies. The management board shall prepare a final report at the conclusion of the pilot program describing its efforts and successes in implementing the habitat portion of the lower Columbia steelhead conservation initiative. The final report shall be transmitted to the appropriate committees of the legislature, the legislative bodies of the participating counties, and the state natural resource-related agencies.

(5) The pilot program terminates on July 1, 2002.

(6) For purposes of this section, "evolutionarily significant unit" means the habitat area identified for an evolutionarily significant unit of an aquatic species listed or proposed for listing as a threatened or endangered species under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).

Sec. 122. RCW 75.58.010 and 1998 c 190 s 110 are each amended to read as follows:

(1) The director of agriculture and the director shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

- (a) Disease diagnosis;
- (b) Import and transfer requirements;
- (c) Provision for certification of stocks;
- (d) Classification of diseases by severity;
- (e) Provision for treatment of selected high-risk diseases;
- (f) Provision for containment and eradication of high-risk diseases;
- (g) Provision for destruction of diseased cultured aquatic products;
- (h) Provision for quarantine of diseased cultured aquatic products;
- (i) Provision for coordination with state and federal agencies;
- (j) Provision for development of preventative or control measures;
- (k) Provision for cooperative consultation service to aquatic farmers; and
- (l) Provision for disease history records.

(2) The commission shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department by these rules and by RCW 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030, and 75.58.040 (as recodified by this act) constitute the only authorities of the department to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department, and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department from

requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) A person shall not violate the rules adopted under subsection (2) or (3) of this section or violate RCW 75.58.040 (as recodified by this act).

(5) In administering the program established under this section, the department shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department or other fish-rearing entities.

Sec. 12. RCW 75.58.020 and 1993 sp.s. c 2 s 56 are each amended to read as follows:

The directors of agriculture and fish and wildlife shall jointly adopt by rule, in the manner prescribed in RCW 75.58.010(2) (as recodified by this act), a schedule of user fees for the disease inspection and control program established under RCW 75.58.010 (as recodified by this act). The fees shall be established such that the program shall be entirely funded by revenues derived from the user fees by the beginning of the 1987-89 biennium.

There is established in the state treasury an account known as the aquaculture disease control account which is subject to appropriation. Proceeds of fees charged under this section shall be deposited in the account. Moneys from the account shall be used solely for administering the disease inspection and control program established under RCW 75.58.010 (as recodified by this act).

Sec. 124. RCW 75.58.030 and 1993 sp.s. c 2 s 57 are each amended to read as follows:

(1) The director shall consult regarding the disease inspection and control program established under RCW 75.58.010 (as recodified by this act) with federal agencies and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director shall provide for the creation and distribution of a roster of biologists having a ~~((speciality [specialty]))~~ specialty in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

Repealed Sections

NEW SECTION. **Sec. 125.** The following acts or parts of acts are each repealed:

- (1) RCW 75.08.010 (Fisheries Code) and 1983 1st ex.s. c 46 s 2 & 1955 c 12 s 75.08.010;
- (2) RCW 75.08.011 (Definitions) and 1998 c 190 s 70, 1996 c 267 s 2, 1995 1st sp.s. c 2 s 6, & 1994 c 255 s 2;
- (3) RCW 75.08.014 (Authority of director to administer department--Qualifications of director) and 1995 1st sp.s. c 2 s 22, 1993 sp.s. c 2 s 21, 1983 1st ex.s. c 46 s 6, & 1953 c 207 s 10;
- (4) RCW 75.08.035 (Senior environmental corps--Department powers and duties) and 1993 sp.s. c 2 s 22 & 1992 c 63 s 11;
- (5) RCW 75.08.274 (Taking food fish for propagation or scientific purposes--Permit required) and 1998 c 190 s 72, 1995 1st sp.s. c 2 s 15, 1983 1st ex.s. c 46 s 28, 1971 c 35 s 1, & 1955 c 12 s 75.16.010;
- (6) RCW 75.10.070 (Service of summons and forfeiture if unable to prosecute violator) and 1983 1st ex.s. c 46 s 38 & 1955 c 12 s 75.36.030;
- (7) RCW 75.10.160 (Enforcement of watercraft registration and boating safety education) and 1989 c 393 s 16;
- (8) RCW 75.25.090 (Personal use fishing licenses--Fees) and 1993 c 215 s 1, 1989 c 305 s 5, & 1987 c 87 s 1;

- (9) RCW 75.25.160 (Recreational licenses--Penalties) and 1989 c 305 s 15, 1987 c 87 s 8, 1984 c 80 s 10, 1983 1st ex.s. c 46 s 100, & 1977 ex.s. c 327 s 16;
- (10) RCW 75.25.210 (Duplicate licenses, permits, tags, stamps, and catch record cards--Fees) and 1994 c 255 s 9;
- (11) RCW 75.28.012 (Licensing districts--Created) and 1993 c 20 s 3, 1983 1st ex.s. c 46 s 102, 1971 ex.s. c 283 s 2, & 1957 c 171 s 1;
- (12) RCW 75.28.335 (Wholesale fish dealers--Additional penalties) and 1985 c 248 s 8; and
- (13) RCW 75.30.160 (Whiting license required in designated areas) and 1998 c 190 s 103, 1993 c 340 s 38, & 1986 c 198 s 6.

Recodified Sections

NEW SECTION. Sec. 126. RCW 75.08.012, 75.08.013, 75.08.020, 75.08.090, and 75.08.110 are each recodified as sections in chapter 77.04 RCW.

NEW SECTION. Sec. 127. RCW 75.08.025, 75.08.040, 75.08.045, 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295, and 75.08.300 are each recodified as sections in chapter 77.12 RCW.

NEW SECTION. Sec. 128. RCW 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390, 75.12.440, and 75.12.650 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 129. RCW 75.20.005, 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098, 75.20.100, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330, 75.20.340, 75.20.350, and 77.12.830 are each recodified as sections in a new chapter added to Title 77 RCW.

NEW SECTION. Sec. 130. RCW 75.24.010, 75.24.030, 75.24.060, 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120, 75.24.130, 75.24.140, and 75.24.150 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 131. RCW 75.28.010, 75.28.011, 75.28.014, 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044, 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.114, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199, and 77.32.211 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 132. RCW 75.30.015, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470, 75.30.480, 75.30.490, and 75.30.500 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 133. A new chapter is added to Title 77 RCW and is named "Compacts and other agreements." The following sections are recodified under the following subchapter headings:

(1) "Columbia river compact" as follows:

RCW 75.40.010; and

RCW 75.40.020.

(2) "Pacific marine fisheries compact" as follows:

RCW 75.40.030; and

RCW 75.40.040.

(3) "Coastal ecosystems compact" as follows:

RCW 75.40.100; and

RCW 75.40.110.

(4) "Wildlife violator compact" as follows:

RCW 77.17.010;

RCW 77.17.020; and

RCW 77.17.030.

(5) "Snake river boundary" as follows:

RCW 77.12.450;

RCW 77.12.470;

RCW 77.12.480; and

RCW 77.12.490.

(6) "Miscellaneous" as follows:

RCW 75.40.060;

RCW 77.12.430; and

RCW 77.12.440.

NEW SECTION. Sec. 134. RCW 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, and 75.44.150 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 135. RCW 75.46.005, 75.46.010, 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.150, 75.46.160, 75.46.170, 75.46.180, 75.46.190, 75.46.200, 75.46.210, 75.46.300, 75.46.350, 75.56.050, and 75.46.900 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 136. RCW 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070, 75.48.080, 75.48.100, and 75.48.110 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 137. RCW 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100, 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150, 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245, 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450, 75.08.500, 75.08.510, 75.08.520, 75.08.530, and 75.50.900 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 138. RCW 75.52.010, 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140, 75.52.150, 75.52.160, and 75.52.900 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 139. RCW 75.54.005, 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140, 75.54.150, 75.54.900, and 75.54.901 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. Sec. 140. RCW 75.56.010, 75.56.020, 75.56.030, 75.56.040, 75.56.900, and 75.56.905 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 141.** RCW 75.58.010, 75.58.020, 75.58.030, and 75.58.040 are each recodified as sections in a new chapter in Title 77 RCW.

NEW SECTION. **Sec. 142.** RCW 75.25.092 is recodified as a new section in chapter 77.32 RCW.

NEW SECTION. **Sec. 143.** RCW 75.10.150 is recodified as a new section in chapter 77.15 RCW.

NEW SECTION. **Sec. 144.** RCW 75.25.901, 75.25.902, 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030 are each decodified.

PART II TITLE 77 Amendments

Sec. 201. RCW 77.04.010 and 1990 c 84 s 1 are each amended to read as follows:
This title is known and may be cited as "Fish and Wildlife Code of the State of Washington."

Sec. 202. RCW 77.04.020 and 1996 c 267 s 32 are each amended to read as follows:
The department consists of the state fish and wildlife commission and the director. ~~((The director is responsible for the administration and operation of the department, subject to the provisions of this title.))~~ The commission may delegate to the director any of the powers and duties vested in the commission. ~~((The director shall perform the duties prescribed by law and shall carry out the basic goals and objectives prescribed under RCW 77.04.055.))~~

Sec. 203. RCW 77.04.030 and 1994 c 264 s 52 are each amended to read as follows:
The fish and wildlife commission consists of nine registered voters of the state. In January of each odd-numbered year, the governor shall appoint with the advice and consent of the senate two registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members shall be appointed at-large ~~((effective July 1, 1993; one of whom shall serve a one and one half year term to end December 31, 1994; one of whom shall serve a three and one half year term to end December 31, 1996; and one of whom shall serve a five and one half year term to end December 31, 1998. Thereafter all members are to serve a six year term))~~. No two members may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

Sec. 204. RCW 77.04.055 and 1995 1st sp.s. c 2 s 4 are each amended to read as follows:
(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the commission shall meet annually with the governor to:
(a) Review and prescribe basic goals and objectives related to those policies; and
(b) Review the performance of the department in implementing fish and wildlife policies.
The commission shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.
(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.
(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 75.08.080 (as recodified by this act).
(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

- (5) The commission shall adopt rules to implement the state's fish and wildlife laws.
- (6) The commission shall have final approval authority for the department's budget proposals.
- (7) The commission shall select its own staff and shall appoint the director of the department.

The director and commission staff shall serve at the pleasure of the commission.

Sec. 205. RCW 77.04.080 and 1995 1st sp.s. c 2 s 5 are each amended to read as follows:

Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of fish and wildlife. The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director shall carry out the basic goals and objectives prescribed under RCW 77.04.055. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

~~((The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department.))~~

Sec. 206. RCW 77.04.100 and 1993 sp.s. c 2 s 65 are each amended to read as follows:

The director shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers in accordance with RCW 75.08.020(3) (as recodified by this act).

Sec. 207. RCW 77.08.010 and 1998 c 190 s 111 are each amended to read as follows:

As used in this title ~~((or Title 75 RCW))~~ or rules adopted ~~((pursuant to those))~~ under this title((s)), unless the context clearly requires otherwise:

- (1) "Director" means the director of fish and wildlife.
- (2) "Department" means the department of fish and wildlife.
- (3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual~~((s))~~; a corporation~~((s))~~; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce ~~((laws))~~ this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and ~~((its))~~ their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, ~~((or))~~ game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, or game fish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia (~~(((old world rats and mice)))~~), or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia (~~(((old world rats and mice)))~~).

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(42) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(43) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW (as recodified by this act).

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

NEW SECTION. Sec. 208. A new section is added to chapter 77.08 RCW to read as follows:
"Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that have been classified and that shall not be fished for except as authorized by rule of the commission. The term "food fish" includes all stages of development and the bodily parts of food fish species.

NEW SECTION. Sec. 209. A new section is added to chapter 77.08 RCW to read as follows:
"Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in RCW 77.08.020, and includes:

Scientific Name	Common Name
<i>Oncorhynchus tshawytscha</i>	Chinook salmon

Oncorhynchus kisutch Coho salmon
Oncorhynchus keta Chum salmon
Oncorhynchus gorbuscha Pink salmon
Oncorhynchus nerka Sockeye salmon

Sec. 210. RCW 77.12.010 and 1985 c 438 s 1 are each amended to read as follows:

~~((Wildlife is the property of the state. The department shall preserve, protect, and perpetuate wildlife. Game animals, game birds, and game fish may be taken only at times or places, or in manners or quantities as in the judgment of the commission maximizes public recreational opportunities without impairing the supply of wildlife.))~~

The commission shall not adopt rules that categorically prohibit fishing with bait or artificial lures in streams, rivers, beaver ponds, and lakes except that the commission may adopt rules and regulations restricting fishing methods upon a determination by the director that an individual body of water or part thereof clearly requires a fishing method prohibition to conserve or enhance the fisheries resource or to provide selected fishing alternatives. ~~((The commission shall attempt to maximize the public recreational fishing opportunities of all citizens, particularly juvenile, handicapped, and senior citizens.))~~

~~Nothing contained herein shall be construed to infringe on the right of a private property owner to control the owner's private property.))~~

Sec. 211. RCW 77.12.035 and 1995 c 370 s 1 are each amended to read as follows:

The ~~((department))~~ commission shall protect grizzly bears and develop management programs on publicly owned lands that will encourage the natural regeneration of grizzly bears in areas with suitable habitat. Grizzly bears shall not be transplanted or introduced into the state. Only grizzly bears that are native to Washington state may be utilized by the department for management programs. The department is directed to fully participate in all discussions and negotiations with federal and state agencies relating to grizzly bear management and shall fully communicate, support, and implement the policies of this section.

Sec. 212. RCW 77.12.055 and 1998 c 190 s 112 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this title, ~~((Title 75 RCW,))~~ rules of the department, and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the fish and wildlife officer who is not an ex officio fish and wildlife officer, the fish and wildlife officer may enforce all criminal laws of the state. The fish and wildlife officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a course approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Fish and wildlife officers are peace officers.

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) Fish and wildlife officers may serve and execute warrants and processes issued by the courts.

(5) Fish and wildlife officers may enforce RCW 79.01.805 and 79.01.810.

(6) Fish and wildlife officers are authorized to enforce all provisions of chapter 88.02 RCW and any rules adopted under that chapter, and the provisions of RCW 79A.05.310 and any rules adopted under that section.

(7) To enforce the laws of this title ~~((and Title 75 RCW))~~, fish and wildlife officers may call to their aid any ex officio fish and wildlife officer or citizen and that person shall render aid.

Sec. 213. RCW 77.12.080 and 1998 c 190 s 114 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may arrest without warrant persons found violating the law or rules adopted pursuant to this title (~~and Title 75 RCW~~).

Sec. 214. RCW 77.12.090 and 1998 c 190 s 115 are each amended to read as follows:

Fish and wildlife officers and ex officio fish and wildlife officers may make a reasonable search without warrant of a vessel, (~~container, or~~) conveyances, vehicles, containers, packages, (~~game baskets, game coats,~~) or other receptacles for fish and wildlife (~~, or tents, camps, or similar places~~) which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title (~~or Title 75 RCW~~) and seize evidence as needed for law enforcement. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution. Seizure of property as evidence of a crime does not preclude seizure of the property (if authorized) for forfeiture as authorized by law.

Sec. 215. RCW 77.12.103 and 1993 sp.s. c 2 s 68 are each amended to read as follows:

(1) (~~The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.~~

~~(2))~~ (2) An authorized state, county, or municipal officer may be subject to civil liability under RCW (~~77.12.104~~) 77.15.070 for willful misconduct or gross negligence in the performance of his or her duties.

~~((3))~~ (2) The director, the fish and wildlife commission, or the department may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with fish or wildlife offenses.

Sec. 216. RCW 77.12.170 and 1998 c 191 s 38 and 1998 c 87 s 2 are each reenacted and amended to read as follows:

(1) There is established in the state treasury the state wildlife fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title, except annual resident adult saltwater and all shellfish licenses, which shall be deposited into the state general fund;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the director under this title;
- (g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320 or 77.32.380;
- (h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;
- (i) The sale of personal property seized by the department for food fish, shellfish, or wildlife violations; and
- (j) The department's share of revenues from auctions and raffles authorized by the commission.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife fund.

Sec. 217. RCW 77.12.204 and 1993 sp.s. c 4 s 6 are each amended to read as follows:

The department of fish and wildlife shall implement practices necessary to meet the standards developed under RCW 79.01.295 on agency-owned and managed agricultural and grazing lands. The standards may be modified on a site-specific basis as necessary and as determined by the department of (~~fisheries or~~) fish and wildlife, for species that these agencies respectively manage, to achieve the goals established under RCW 79.01.295(1). Existing lessees shall be provided an opportunity to participate in any site-specific field review. Department agricultural and grazing leases issued after

December 31, 1994, shall be subject to practices to achieve the standards that meet those developed pursuant to RCW 79.01.295.

This section shall in no way prevent the department of fish and wildlife from managing its lands (~~(to accomplish its statutory mandate pursuant to RCW 77.12.010, nor shall it prevent the department from managing its lands)~~) according to the provisions of RCW 75.08.012, 77.12.210, or rules adopted pursuant to this chapter.

Sec. 218. RCW 77.12.210 and 1987 c 506 s 30 are each amended to read as follows:

The director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The director may adopt rules for the operation and maintenance of the property.

The commission may authorize the director to sell, lease, convey, or grant concessions upon real or personal property under the control of the department. This includes the authority to sell timber, gravel, sand, and other materials or products from real property held by the department (~~(and may authorize the director)~~), and to sell or lease the department's real or personal property or grant concessions or rights of way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the state wildlife fund: PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the state wildlife fund.

Sec. 219. RCW 77.12.220 and 1987 c 506 s 31 are each amended to read as follows:

For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, (~~(political subdivisions)~~) units of local government of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest. For purposes of this section, "local government" means any city, town, county, special district, municipal corporation, or quasi-municipal corporation.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

Sec. 220. RCW 77.12.250 and 1980 c 78 s 42 are each amended to read as follows:

The director, (~~(wildlife agents)~~) fish and wildlife officers, ex officio (~~(wildlife agents)~~) fish and wildlife officers, and department employees may enter upon lands or waters and remain there while performing their duties without liability for trespass. It is lawful for aircraft operated by the department to land and take off from beaches or waters of the state.

Sec. 221. RCW 77.12.315 and 1987 c 506 s 40 are each amended to read as follows:

If the director determines that a severe problem exists in an area of the state because deer and elk are being pursued, harassed, attacked or killed by dogs, the director may declare by emergency rule that an emergency exists and specify the area where it is lawful for fish and wildlife (~~(agents)~~) officers to take into custody or destroy the dogs if necessary. Fish and wildlife (~~(agents)~~) officers who take into

custody or destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

Sec. 222. RCW 77.12.470 and 1980 c 78 s 63 are each amended to read as follows:

To enforce RCW 77.12.480 and 77.12.490 (as recodified by this act), courts in the counties contiguous to the boundary waters, fish and wildlife ((agents)) officers, and ex officio fish and wildlife ((agents)) officers have jurisdiction over the boundary waters to the furthestmost shoreline. This jurisdiction is concurrent with the courts and law enforcement officers of Idaho.

Sec. 223. RCW 77.12.480 and 1980 c 78 s 64 are each amended to read as follows:

The taking of wildlife from the boundary waters or islands of the Snake river shall be in accordance with the wildlife laws of the respective states. Fish and wildlife ((agents)) officers and ex officio fish and wildlife ((agents)) officers shall honor the license of either state and the right of the holder to take wildlife from the boundary waters and islands in accordance with the laws of the state issuing the license.

Sec. 224. RCW 77.12.490 and 1980 c 78 s 65 are each amended to read as follows:

The purpose of RCW 77.12.450 through 77.12.490 (as recodified by this act) is to avoid the conflict, confusion, and difficulty of locating the state boundary in or on the boundary waters and islands of the Snake river. These sections do not allow the holder of a Washington license to fish or hunt on the shoreline, sloughs, or tributaries on the Idaho side, nor allow the holder of an Idaho license to fish or hunt on the shoreline, sloughs, or tributaries on the Washington side.

Sec. 225. RCW 77.12.610 and 1982 c 155 s 1 are each amended to read as follows:

The purposes of RCW 77.12.610 through 77.12.630 (~~and 77.16.610~~) are to facilitate the department's gathering of biological data for managing wildlife, fish, and shellfish resources of this state and to protect (~~wildlife~~) these resources by assuring compliance with Title 77 RCW, and rules adopted thereunder, in a manner designed to minimize inconvenience to the public.

Sec. 226. RCW 77.12.620 and 1982 c 155 s 2 are each amended to read as follows:

The department is authorized to require hunters and fishermen occupying a motor vehicle approaching or entering a check station to stop and produce for inspection: (1) Any wildlife, fish, shellfish, or seaweed in their possession; (2) licenses, permits, tags, stamps, or (~~punchcards~~) catch record cards, required under Title 77 RCW, or rules adopted thereunder. For these purposes, the department is authorized to operate check stations which shall be plainly marked by signs, operated by at least one uniformed fish and wildlife ((agent)) officer, and operated in a safe manner.

Sec. 227. RCW 77.12.630 and 1982 c 155 s 4 are each amended to read as follows:

The powers conferred by RCW 77.12.610 through 77.12.630 (~~and 77.16.610~~) are in addition to all other powers conferred by law upon the department. Nothing in RCW 77.12.610 through 77.12.630 (~~and 77.16.610~~) shall be construed to prohibit the department from operating wildlife information stations at which persons shall not be required to stop and report, or from executing arrests, searches, or seizures otherwise authorized by law.

Sec. 228. RCW 77.12.655 and 1990 c 84 s 3 are each amended to read as follows:

The department, in accordance with chapter 34.05 RCW, shall adopt and enforce necessary rules defining the extent and boundaries of habitat buffer zones for bald eagles. Rules shall take into account the need for variation of the extent of the zone from case to case, and the need for protection of bald eagles. The rules shall also establish guidelines and priorities for purchase or trade and establishment of conservation easements and/or leases to protect such designated properties. The department shall also adopt rules to provide adequate notice to property owners of their options under RCW 77.12.650 (~~through 77.12.655~~) and this section.

Sec. 229. RCW 77.12.830 and 1997 c 425 s 3 are each amended to read as follows:

(1) Beginning in January 1998, the department of fish and wildlife and the department of natural resources shall implement a habitat incentives program based on the recommendations of federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the timber, fish, and wildlife cooperators, and other interested parties. The program shall allow a private landowner to enter into an agreement with the departments to enhance habitat on the landowner's property for food fish, game fish, or other wildlife species. In exchange, the landowner shall receive state regulatory certainty with regard to future applications for hydraulic project approval or a forest practices permit on the property covered by the agreement. The overall goal of the program is to provide a mechanism that facilitates habitat development on private property while avoiding an adverse state regulatory impact to the landowner at some future date. A single agreement between the departments and a landowner may encompass up to one thousand acres. A landowner may enter into multiple agreements with the departments, provided that the total acreage covered by such agreements with a single landowner does not exceed ten thousand acres. The departments are not obligated to enter into an agreement unless the departments find that the agreement is in the best interest of protecting fish or wildlife species or their habitat.

(2) A habitat incentives agreement shall be in writing and shall contain at least the following: A description of the property covered by the agreement, an expiration date, a description of the condition of the property prior to the implementation of the agreement, and other information needed by the landowner and the departments for future reference and decisions.

(3) As part of the agreement, the department of fish and wildlife may stipulate the factors that will be considered when the department evaluates a landowner's application for hydraulic project approval under RCW 75.20.100 or 75.20.103 (as recodified by this act) on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of natural resources and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of hydraulic project approval shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(4) As part of the agreement, the department of natural resources may stipulate the factors that will be considered when the department evaluates a landowner's application for a forest practices permit under chapter 76.09 RCW on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of fish and wildlife and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of forest practices permits shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(5) The agreement is binding on and may be used by only the landowner who entered into the agreement with the department. The agreement shall not be appurtenant with the land. However, if a new landowner chooses to maintain the habitat enhancement efforts on the property, the new landowner and the departments may jointly choose to retain the agreement on the property.

(6) If the departments receive multiple requests for agreements with private landowners under the habitat incentives program, the departments shall prioritize these requests and shall enter into as many agreements as possible within available budgetary resources.

Sec. 230. RCW 77.12.858 and 1999 c 342 s 6 are each amended to read as follows:

All receipts from the salmon stamp program created under RCW 77.12.850 through 77.12.860 must be deposited into the regional fisheries enhancement salmonid recovery account created under RCW 75.50.125 (as recodified by this act). Expenditures from the account may be used only for the purposes specified in RCW 75.50.125 (as recodified by this act) and chapter 342, Laws of 1999. The department shall report biennially to the legislature on the amount of money the salmon stamp program has generated.

Sec. 231. RCW 77.15.070 and 1998 c 190 s 69 are each amended to read as follows:

(1) Fish and wildlife officers and ex officio fish and wildlife officers may seize without warrant boats, airplanes, vehicles, motorized implements, conveyances, gear, appliances, or other articles they have probable cause to believe have been held with intent to violate or used in violation of this

~~((chapter))~~ title or rule of the commission or director. However, fish and wildlife officers or ex officio fish and wildlife officers may not seize any item or article, other than for evidence, if under the circumstances, it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to the state under this section regardless of ownership. Property seized may be recovered by its owner by depositing into court a cash bond equal to the value of the seized property but not more than twenty-five thousand dollars. Such cash bond is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture against property and is intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon seizure. Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall be made in writing and served on the director within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to the state.

(4) If any person timely serves the director with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the director or director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the property seized is more than five thousand dollars.

(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in ~~((Title 34 RCW))~~ chapter 34.05 RCW, the administrative procedure act. The seizing authority has the burden to demonstrate that it had reason to believe the property was held with intent to violate or was used in violation of this title or rule of the commission or director. The person contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:

(a) That the property was not held with intent to violate or used in violation of this title ~~((or Title 75 RCW))~~; or

(b) If the property is a boat, airplane, or vehicle, that the illegal use or planned illegal use of the boat, airplane, or vehicle occurred without the owner's knowledge or consent, and that the owner acted reasonably to prevent illegal uses of such boat, airplane, or vehicle.

(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge ~~((of))~~ or nor consented to the act or omission. No security interest in seized property may be perfected after seizure.

(7) If seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the wildlife fund, as provided for in RCW 77.12.170.

NEW SECTION. Sec. 232. A new section is added to chapter 77.15 RCW to read as follows:
Fish and wildlife officers and ex officio fish and wildlife officers may seize without a warrant wildlife, fish, and shellfish they have probable cause to believe have been taken, transported, or possessed in violation of this title or rule of the commission or director.

Sec. 233. RCW 77.15.080 and 1998 c 190 s 113 are each amended to read as follows:
Based upon articulable facts that a person is engaged in fishing or hunting activities, fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title ~~((and Title 75 RCW))~~.

Sec. 234. RCW 77.15.090 and 1998 c 190 s 117 are each amended to read as follows:

On a showing of probable cause that there has been a violation of any fish or wildlife law of the state of Washington, or upon a showing of probable cause to believe that evidence of such violation may be found at a place, a court shall issue a search warrant or arrest warrant. Fish and wildlife officers may execute any such arrest or search warrant reasonably necessary to their duties under this title (~~(or Title 75 RCW)~~) and may seize fish and wildlife or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have a building, enclosure, vehicle, vessel, container, or receptacle opened or entered and the contents examined.

Sec. 235. RCW 77.15.100 and 1998 c 190 s 63 are each amended to read as follows:

(1) Unless otherwise provided in this title (~~(or Title 75 RCW)~~), fish, shellfish, or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.

(2) (~~The department may use, sell, or destroy any other~~) When seized property is forfeited ((by the court or)) to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the state wildlife fund established under RCW 77.12.170. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held. (~~Proceeds of the sale shall be deposited in the state treasury to be credited to the state wildlife fund.~~)

Sec. 236. RCW 77.15.120 and 1998 c 190 s 13 are each amended to read as follows:

(1) A person is guilty of unlawful taking of endangered fish or wildlife in the second degree if the person hunts, fishes, possesses, maliciously harasses or kills fish or wildlife, or maliciously destroys the nests or eggs of fish or wildlife and the fish or wildlife is designated by the commission as endangered, and the taking has not been authorized by rule of the commission.

(2) A person is guilty of unlawful taking of endangered fish or wildlife in the first degree if the person has been:

(a) Convicted under subsection (1) of this section or convicted of any crime under this title involving the killing, possessing, harassing, or harming of endangered fish or wildlife; and

(b) Within five years of the date of the prior conviction the person commits the act described by subsection (1) of this section.

(3)(a) Unlawful taking of endangered fish or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful taking of endangered fish or wildlife in the first degree is a class C felony. The department shall revoke any licenses or tags used in connection with the crime and order the person's privileges to hunt, fish, trap, or obtain licenses under this title (~~(and Title 75 RCW)~~) to be suspended for two years.

Sec. 237. RCW 77.15.160 and 1998 c 190 s 17 are each amended to read as follows:

A person is guilty of an infraction, which shall be cited and punished as provided under chapter 7.84 RCW, if the person:

(1) Fails to immediately record a catch of fish or shellfish on a catch record card required by RCW (~~(75.25.190 or 77.32.050)~~) 77.32.430, or required by rule of the commission under this title (~~(or Title 75 RCW)~~); or

(2) Fishes for personal use using barbed hooks in violation of any rule; or

(3) Violates any other rule of the commission or director that is designated by rule as an infraction.

NEW SECTION. Sec. 238. A new section is added to chapter 77.15 RCW to read as follows:

Any person who is damaged by any act prohibited in RCW 77.15.210 may bring a civil action to enjoin further violations, and recover damages sustained, including a reasonable attorneys' fee. The trial court may increase the award of damages to an amount not to exceed three times the damages sustained. A party seeking civil damages under this section may recover upon proof of a violation by a preponderance of the evidence. The state of Washington may bring a civil action to enjoin violations of this section.

Sec. 239. RCW 77.15.300 and 1998 c 190 s 52 are each amended to read as follows:

(1) A person is guilty of unlawfully undertaking hydraulic project activities if the person constructs any form of hydraulic project or performs other work on a hydraulic project and:

(a) Fails to have a hydraulic project approval required under chapter 75.20 RCW (as recodified by this act) for such construction or work; or

(b) Violates any requirements or conditions of the hydraulic project approval for such construction or work.

(2) Unlawfully undertaking hydraulic project activities is a gross misdemeanor.

Sec. 240. RCW 77.15.310 and 1998 c 190 s 53 are each amended to read as follows:

(1) A person is guilty of unlawful failure to use or maintain an approved fish guard on a diversion device if the person owns, controls, or operates a device used for diverting or conducting water from a lake, river, or stream and:

(a) The device is not equipped with a fish guard, screen, or bypass approved by the director as required by RCW 75.20.040 (as recodified by this act) or 77.16.220; or

(b) The person knowingly fails to maintain or operate an approved fish guard, screen, or bypass so as to effectively screen or prevent fish from entering the intake.

(2) Unlawful failure to use or maintain an approved fish guard, screen, or bypass on a diversion device is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day that a diversion device is operated without an approved or maintained fish guard, screen, or bypass is a separate offense.

Sec. 241. RCW 77.15.320 and 1998 c 190 s 54 are each amended to read as follows:

(1) A person is guilty of unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction if the person owns, operates, or controls a dam or other obstruction to fish passage on a river or stream and:

(a) The dam or obstruction is not provided with a durable and efficient fishway approved by the director as required by RCW 75.20.060 (as recodified by this act);

(b) Fails to maintain a fishway in efficient operating condition; or

(c) Fails to continuously supply a fishway with a sufficient supply of water to allow the free passage of fish.

(2) Unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day of unlawful failure to provide, maintain, or operate a fishway is a separate offense.

Sec. 242. RCW 77.15.350 and 1998 c 190 s 58 are each amended to read as follows:

(1) A person is guilty of violating a rule regarding inspection and disease control of aquatic farms if the person:

(a) Violates any rule adopted under chapter 75.58 RCW (as recodified by this act) regarding the inspection and disease control program for an aquatic farm; or

(b) Fails to register or report production from an aquatic farm as required by chapter 75.58 RCW (as recodified by this act).

(2) A violation of a rule regarding inspection and disease control of aquatic farms is a misdemeanor.

Sec. 243. RCW 77.15.360 and 1998 c 190 s 61 are each amended to read as follows:

(1) A person is guilty of unlawful interfering in department operations if the person prevents department employees from carrying out duties authorized by this title (~~(or Title 75 RCW)~~), including but not limited to interfering in the operation of department vehicles, vessels, or aircraft.

(2) Unlawful interfering in department operations is a gross misdemeanor.

Sec. 244. RCW 77.15.380 and 1998 c 190 s 18 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for, takes, possesses, or harvests fish or shellfish and:

(a) The person does not have and possess the license or the catch record card required by chapter 75.25 (as recodified by this act) or 77.32 RCW for such activity; or

(b) The action violates any rule of the commission or the director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish, except for use of a net to take fish as provided for in RCW 77.15.580.

(2) Unlawful recreational fishing in the second degree is a misdemeanor.

Sec. 245. RCW 77.15.390 and 1998 c 190 s 20 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, possesses, or harvests seaweed and:

(a) The person does not have and possess the license required by chapter 75.25 RCW (as recodified by this act) for taking seaweed; or

(b) The action violates any rule of the department or the department of natural resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

Sec. 246. RCW 77.15.470 and 1998 c 190 s 29 are each amended to read as follows:

(1) A person is guilty of unlawfully avoiding wildlife check stations or field inspections if the person fails to:

(a) Obey check station signs;

(b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife officer; or

(c) Produce for inspection upon request by a fish and wildlife officer: (i) Hunting or fishing equipment; (ii) seaweed, fish, shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or catch record cards required by this title (~~(or Title 75 RCW)~~).

(2) Unlawfully avoiding wildlife check stations or field inspections is a gross misdemeanor.

(3) Wildlife check stations may not be established upon interstate highways or state routes.

Sec. 247. RCW 77.15.480 and 1980 c 78 s 27 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for catching, taking, killing, attracting, or decoying wildlife are public nuisances. If necessary, fish and wildlife ((agents)) officers and ex officio fish and wildlife ((agents)) officers may seize, abate, or destroy these public nuisances without warrant or process.

Sec. 248. RCW 77.15.500 and 1998 c 190 s 35 are each amended to read as follows:

(1) A person is guilty of commercial fishing without a license in the second degree if the person fishes for, takes, or delivers food fish, shellfish, or game fish while acting for commercial purposes and:

(a) The person does not hold a fishery license or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish; or

(b) The person is not a licensed operator designated as an alternate operator on a fishery or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish.

(2) A person is guilty of commercial fishing without a license in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves taking, delivery, or possession of food fish or shellfish with a value of two hundred fifty dollars or more; or

(b) The violation involves taking, delivery, or possession of food fish or shellfish from an area that was closed to the taking of such food fish or shellfish by any statute or rule.

(3)(a) Commercial fishing without a license in the second degree is a gross misdemeanor.

(b) Commercial fishing without a license in the first degree is a class C felony.

Sec. 249. RCW 77.15.530 and 1998 c 190 s 38 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 RCW (as recodified by this act), or who holds an operator's license and is designated as an alternate operator on a fishery license required by chapter 75.28 RCW (as recodified by this act), is guilty of unlawful use of a nondesignated vessel if the person takes, fishes for, or delivers from that fishery using a vessel not designated on the person's license, when vessel designation is required by chapter 75.28 RCW (as recodified by this act).

(2) Unlawful use of a nondesignated vessel is a gross misdemeanor.

(3) A nondesignated vessel may be used, subject to appropriate notification to the department and in accordance with rules established by the commission, when a designated vessel is inoperative because of accidental damage or mechanical breakdown.

(4) If the person commits the act described by subsection (1) of this section and the vessel designated on the person's fishery license was used by any person in the fishery on the same day, then the violation for using a nondesignated vessel is a class C felony. Upon conviction the department shall order revocation and suspension of all commercial fishing privileges under chapter 75.28 RCW (as recodified by this act) for a period of one year.

Sec. 250. RCW 77.15.540 and 1998 c 190 s 39 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 RCW (as recodified by this act), or who holds an operator's license and is designated as an alternate operator on a fishery license required by chapter 75.28 RCW (as recodified by this act), is guilty of unlawful use of a commercial fishery license if the person:

(a) Does not have the commercial fishery license or operator's license in possession during fishing or delivery; or

(b) Violates any rule of the department regarding the use, possession, display, or presentation of the person's license, decals, or vessel numbers.

(2) Unlawful use of a commercial fishery license is a misdemeanor.

Sec. 251. RCW 77.15.570 and 1998 c 190 s 49 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, it is unlawful for a person who is not a treaty Indian fisherman to participate in the taking of fish or shellfish in a treaty Indian fishery, or to be on board a vessel, or associated equipment, operating in a treaty Indian fishery. A violation of this subsection is a gross misdemeanor.

(2) A person who violates subsection (1) of this section with the intent of acting for commercial purposes, including any sale of catch, control of catch, profit from catch, or payment for fishing assistance, is guilty of a class C felony. Upon conviction, the department shall order revocation of any license and a one-year suspension of all commercial fishing privileges requiring a license under chapter 75.28 or 75.30 RCW (as recodified by this act).

(3)(a) The spouse, forebears, siblings, children, and grandchildren of a treaty Indian fisherman may assist the fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(b) Other treaty Indian fishermen with off-reservation treaty fishing rights in the same usual and accustomed places, whether or not the fishermen are members of the same tribe or another treaty tribe, may assist a treaty Indian fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(c) Biologists approved by the department may be on board a vessel operating in a treaty Indian fishery.

(4) For the purposes of this section:

(a) "Treaty Indian fisherman" means a person who may exercise treaty Indian fishing rights as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those courts;

(b) "Treaty Indian fishery" means a fishery open to only treaty Indian fishermen by tribal or federal regulation;

(c) "To participate" and its derivatives mean an effort to operate a vessel or fishing equipment, provide immediate supervision in the operation of a vessel or fishing equipment, or otherwise assist in the fishing operation, to claim possession of a share of the catch, or to represent that the catch was lawfully taken in an Indian fishery.

(5) A violation of this section constitutes illegal fishing and is subject to the suspensions provided for commercial fishing violations.

Sec. 252. RCW 77.15.580 and 1998 c 190 s 50 are each amended to read as follows:

(1) A person is guilty of unlawful use of a net to take fish in the second degree if the person:

(a) Lays, sets, uses, or controls a net or other device or equipment capable of taking fish from the waters of this state, except if the person has a valid license for such fishing gear from the director under this title and is acting in accordance with all rules of the commission and director; or

(b) Fails to return unauthorized fish to the water immediately while otherwise lawfully operating a net under a valid license.

(2) A person is guilty of unlawful use of a net to take fish in the first degree if the person:

(a) Commits the act described by subsection (1) of this section; and

(b) The violation occurs within five years of entry of a prior conviction for a gross misdemeanor or felony under this title (~~or Title 75 RCW~~) involving fish, other than a recreational fishing violation, or involving unlawful use of nets.

(3)(a) Unlawful use of a net to take fish in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any license held under this title (~~or Title 75 RCW~~) allowing commercial net fishing used in connection with the crime.

(b) Unlawful use of a net to take fish in the first degree is a class C felony. Upon conviction, the department shall order a one-year suspension of all commercial fishing privileges requiring a license under this title (~~or Title 75 RCW~~).

(4) Notwithstanding subsections (1) and (2) of this section, it is lawful to use a landing net to land fish otherwise legally hooked.

Sec. 253. RCW 77.15.620 and 1998 c 190 s 43 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 75.28.300(1) or 77.32.211 (as recodified by this act) for anadromous game fish;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 75.28.300(2) or 77.32.211 (as recodified by this act) for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a wholesale dealer's license required by RCW 75.28.300(3) or 77.32.211 (as recodified by this act) for anadromous game fish; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 75.28.300(4) or 77.32.211 (as recodified by this act) for anadromous game fish.

(2) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(3) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves fish or shellfish worth two hundred fifty dollars or more. Engaging in fish dealing activity without a license in the first degree is a class C felony.

Sec. 254. RCW 77.15.630 and 1998 c 190 s 44 are each amended to read as follows:

(1) A person who holds a fish dealer's license required by RCW 75.28.300 (as recodified by this act), an anadromous game fish buyer's license required by RCW 77.32.211 (as recodified by this act), or a fish buyer's license required by RCW 75.28.340 (as recodified by this act) is guilty of unlawful use of fish buying and dealing licenses in the second degree if the person:

(a) Possesses or receives fish or shellfish for commercial purposes worth less than two hundred fifty dollars; and

(b) Fails to document such fish or shellfish with a fish-receiving ticket required by statute or rule of the department.

(2) A person is guilty of unlawful use of fish buying and dealing licenses in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves fish or shellfish worth two hundred fifty dollars or more;

(b) The person acted with knowledge that the fish or shellfish were taken from a closed area, at a closed time, or by a person not licensed to take such fish or shellfish for commercial purposes; or

(c) The person acted with knowledge that the fish or shellfish were taken in violation of any tribal law.

(3)(a) Unlawful use of fish buying and dealing licenses in the second degree is a gross misdemeanor.

(b) Unlawful use of fish buying and dealing licenses in the first degree is a class C felony.

Upon conviction, the department shall suspend all privileges to engage in fish buying or dealing for two years.

Sec. 255. RCW 77.15.640 and 1998 c 190 s 45 are each amended to read as follows:

(1) A person who holds a wholesale fish dealer's license required by RCW 75.28.300 (as recodified by this act), an anadromous game fish buyer's license required by RCW 77.32.211 (as recodified by this act), or a fish buyer's license required by RCW 75.28.340 (as recodified by this act) is guilty of violating rules governing wholesale fish buying and dealing if the person:

(a) Fails to possess or display his or her license when engaged in any act requiring the license;

(b) Fails to display or uses the license in violation of any rule of the department;

(c) Files a signed fish-receiving ticket but fails to provide all information required by rule of the department; or

(d) Violates any other rule of the department regarding wholesale fish buying and dealing.

(2) Violating rules governing wholesale fish buying and dealing is a gross misdemeanor.

Sec. 256. RCW 77.15.650 and 1998 c 190 s 59 are each amended to read as follows:

(1) A person is guilty of unlawful purchase or use of a license in the second degree if the person buys, holds, uses, displays, transfers, or obtains any license, tag, permit, or approval required by this title ~~((or Title 75 RCW))~~ and the person:

(a) Uses false information to buy, hold, use, display, or obtain a license, permit, tag, or approval;

(b) Acquires, holds, or buys in excess of one license, permit, or tag for a license year if only one license, permit, or tag is allowed per license year;

(c) Uses or displays a license, permit, tag, or approval that was issued to another person;

(d) Permits or allows a license, permit, tag, or approval to be used or displayed by another person not named on the license, permit, tag, or approval;

(e) Acquires or holds a license while privileges for the license are revoked or suspended.

(2) A person is guilty of unlawful purchase or use of a license in the first degree if the person commits the act described by subsection (1) of this section and the person was acting with intent that the license, permit, tag, or approval be used for any commercial purpose. A person is presumed to be acting with such intent if the violation involved obtaining, holding, displaying, or using a license or permit for participation in any commercial fishery issued under this title (~~or Title 75 RCW~~) or a license authorizing fish or wildlife buying, trafficking, or wholesaling.

(3)(a) Unlawful purchase or use of a license in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a two-year suspension of participation in the activities for which the person unlawfully obtained, held, or used a license.

(b) Unlawful purchase or use of a license in the first degree is a class C felony. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a five-year suspension of participation in any activities for which the person unlawfully obtained, held, or used a license.

(4) For purposes of this section, a person "uses" a license, permit, tag, or approval if the person engages in any activity authorized by the license, permit, tag, or approval held or possessed by the person. Such uses include but are not limited to fishing, hunting, taking, trapping, delivery or landing fish or wildlife, and selling, buying, or wholesaling of fish or wildlife.

(5) Any license obtained in violation of this section is void upon issuance and is of no legal effect.

Sec. 257. RCW 77.15.710 and 1998 c 190 s 67 are each amended to read as follows:

(1) The commission shall revoke all hunting, fishing, or other licenses issued under this title and order a ten-year suspension of all privileges extended under the authority of the department of a person convicted of assault on a fish and wildlife officer (~~or other law enforcement officer provided that:~~

~~(a) The fish and wildlife officer or other law enforcement officer was on duty at the time of the assault; and~~

~~(b) The fish and wildlife officer or other law enforcement officer was enforcing the provisions of this title)), ex officio officer, employee, agent, or personnel acting for the department, if the employee assaulted was on duty at the time of the assault and carrying out the provisions of this title. The suspension shall be continued beyond this period if any damages to the victim have not been paid by the suspended person.~~

(2) For the purposes of this section, the definition of assault includes:

(a) RCW 9A.32.030; murder in the first degree;

(b) RCW 9A.32.050; murder in the second degree;

(c) RCW 9A.32.060; manslaughter in the first degree;

(d) RCW 9A.32.070; manslaughter in the second degree;

(e) RCW 9A.36.011; assault in the first degree;

(f) RCW 9A.36.021; assault in the second degree; and

(g) RCW 9A.36.031; assault in the third degree.

Sec. 258. RCW 77.15.720 and 1998 c 190 s 68 are each amended to read as follows:

(1) If a person shoots another person or domestic livestock while hunting, the director shall revoke all hunting licenses and suspend all hunting privileges for three years. If the shooting of another person or livestock is the result of criminal negligence or reckless or intentional conduct, then the person's privileges shall be suspended for ten years. The suspension (~~may~~) shall be continued beyond these periods if damages owed to the victim or livestock owner have not been paid by the suspended person. A hunting license shall not be reissued to the suspended person unless authorized by the director.

(2) ~~((If a person commits any assault upon employees, agents, or personnel acting for the department, the director shall suspend hunting or fishing privileges for ten years.~~

~~(3))~~ (3) Within twenty days of service of an order suspending privileges or imposing conditions under this section or RCW 77.15.710, a person may petition for administrative review under chapter 34.05 RCW by serving the director with a petition for review. The order is final and unappealable if there is no timely petition for administrative review.

~~((4))~~ (3) The commission may by rule authorize petitions for reinstatement of administrative suspensions and define circumstances under which reinstatement will be allowed.

Sec. 259. RCW 77.16.020 and 1998 c 190 s 119 are each amended to read as follows:

For the purposes of establishing a season or bag limit restriction on Canada goose hunting, the ~~((department))~~ commission shall not consider leg length or bill length of dusky Canada geese (*Branta canadensis occidentalis*).

Sec. 260. RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 77.12.240 ~~((and 77.12.265))~~ or other provisions of law, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW 77.12.240 or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear, cougar, bobcat, or lynx with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director ~~((under RCW 77.12.265))~~.

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit of black bear, cougar, bobcat, or lynx for scientific purposes.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and a hunting license shall not be issued for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

Sec. 261. RCW 77.17.020 and 1994 c 264 s 56 are each amended to read as follows:

For purposes of Article VII of RCW 77.17.010 (as recodified by this act), the term "licensing authority," with reference to this state, means the department. The director is authorized to appoint a compact administrator.

Sec. 262. RCW 77.18.010 and 1993 sp.s. c 2 s 76 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) (~~"Department" means the department of fish and wildlife.~~

~~(2))~~ (2) "Contract" means an agreement setting at a minimum, price, quantity of fish to be delivered, time of delivery, and fish health requirements.

~~((3))~~ (2) "Fish health requirements" means those site specific fish health and genetic requirements actually used by the department of fish and wildlife in fish stocking.

~~((4))~~ (3) "Aquatic farmer" means a private sector person who commercially farms and manages private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

~~((5) "Person" means a natural person, corporation, trust, or other legal entity.)~~

(4) "Warm water game fish" includes the following species: Bass, channel catfish, walleye, crappie, and other species as defined by the department.

Sec. 263. RCW 77.21.090 and 1993 c 82 s 5 are each amended to read as follows:

(1) Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of a state that is a party to the wildlife violator compact under RCW 77.17.010 (as recodified by this act), the department shall suspend the violator's license privileges under this title until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the department. The department shall adopt by rule procedures for the timely notification and administrative review of such suspension of licensing privileges.

(2) Upon receipt of a report of a conviction from the licensing authority of a state that is a party to the wildlife violator compact under RCW 77.17.010 (as recodified by this act), the department shall enter such conviction in its records and shall treat such conviction as if it occurred in the state of Washington for the purposes of suspension, revocation, or forfeiture of license privileges.

Sec. 264. RCW 77.32.010 and 1998 c 191 s 7 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the director is required to:

(a) Hunt for wild animals, except bullfrogs, or wild birds, fish or harvest shellfish and seaweed, except smelt, albacore, carp, and crawfish;

(b) Practice taxidermy for profit;

(c) Deal in raw furs for profit;

(d) Act as a fishing guide;

(e) Operate a game farm;

(f) Purchase or sell anadromous game fish; or

(g) Use department-managed lands or facilities as provided by rules adopted pursuant to this title.

(2) A permit issued by the director is required to:

(a) Conduct, hold, or sponsor hunting or game fish fishing contests or competitive field trials using live wildlife;

(b) Collect wild animals, wild birds, game fish, food fish, shellfish, or protected wildlife for research or display; or

(c) Stock game fish.

(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department.

Sec. 265. RCW 77.32.014 and 1998 c 191 s 8 are each amended to read as follows:

(1) Licenses, tags, and stamps issued pursuant to this chapter shall be invalid for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order. Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this section through checks of the department of licensing's computer data base. A listing on the department of licensing's data base that an individual's license is currently suspended pursuant to RCW 46.20.291(~~((7))~~) (8) shall be prima facie evidence that the individual is in noncompliance with a support order. Presentation of a written release issued by the

department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order.

(2) It is unlawful to purchase, obtain, or possess a license required by this chapter during any period in which a license is suspended.

Sec. 266. RCW 77.32.050 and 1999 c 243 s 2 are each amended to read as follows:

All recreational licenses, permits, tags, and stamps required by ~~((Titles 75 and 77 RCW))~~ this title and raffle tickets authorized under chapter 77.12 RCW shall be issued under the authority of the commission. The commission shall adopt rules for the issuance of recreational licenses, permits, tags, stamps, and raffle tickets, and for the collection, payment, and handling of license fees, terms and conditions to govern dealers, and dealers' fees. A transaction fee on recreational licenses may be set by the commission and collected from licensees. The department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing system services. Fees retained by dealers shall be uniform throughout the state. The department shall authorize dealers to collect and retain dealer fees of at least two dollars for purchase of a standard hunting or fishing recreational license document, except that the commission may set a lower dealer fee for issuance of tags or when a licensee buys a license that involves a stamp or display card format rather than a standard department licensing document form.

Sec. 267. RCW 77.32.090 and 1998 c 191 s 12 are each amended to read as follows:

The commission may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, tags, ~~((and))~~ stamps, and raffle tickets required by this chapter ~~((and raffle tickets authorized under chapter 77.12 RCW)).~~

Sec. 268. RCW 77.32.199 and 1987 c 372 s 4 are each amended to read as follows:

The ~~((commission))~~ director may revoke the trapper's license of a person placing unauthorized traps on private property and may remove those traps.

Sec. 269. RCW 77.32.250 and 1998 c 191 s 22 are each amended to read as follows:

Licenses, permits, tags, and stamps required by this chapter and raffle tickets authorized under this chapter ~~((77.12 RCW))~~ shall not be transferred.

Upon request of a fish and wildlife officer or ex officio fish and wildlife officer, persons licensed, operating under a permit, or possessing wildlife under the authority of this chapter shall produce required licenses, permits, tags, stamps, ~~((or))~~ raffle tickets, or catch record cards for inspection and write their signatures for comparison and in addition display their wildlife. Failure to comply with the request is prima facie evidence that the person has no license or is not the person named.

Sec. 270. RCW 77.32.350 and 1998 c 191 s 25 are each amended to read as follows:

In addition to a small game hunting license, a supplemental permit or stamp is required to hunt for western Washington pheasant or migratory birds.

(1) A western Washington pheasant permit is required to hunt for pheasant in western Washington. Western Washington pheasant permits must contain numbered spaces for recording the location and date of harvest of each western Washington pheasant. ~~((It is unlawful to harvest a western Washington pheasant without immediately recording this information on the permit.))~~

(2) The permit shall be available as a season option, a youth full season option, or a three-day option. The fee for this permit is:

- (a) For the resident and nonresident full season option, thirty-six dollars;
- (b) For the youth full season option, eighteen dollars;
- (c) For the three-day option, twenty dollars.

(3) A migratory bird stamp affixed to a hunting license designated by rule of the commission is required for all persons sixteen years of age or older to hunt migratory birds. The fee for the stamp for hunters is six dollars for residents and nonresidents. The fee for the stamp for collectors is six dollars.

(4) The migratory bird stamp shall be validated by the signature of the licensee written across the face of the stamp.

Sec. 271. RCW 77.32.380 and 1998 c 87 s 1 are each amended to read as follows:

(1) Persons who enter upon or use clearly identified department improved access facilities with a motor vehicle may be required to display a current annual fish and wildlife lands vehicle use permit on the motor vehicle while within or while using an improved access facility. An "improved access facility" is a clearly identified area specifically created for motor vehicle parking, and includes any boat launch or boat ramp associated with the parking area, but does not include the department parking facilities at the Gorge Concert Center near George, Washington. The vehicle use permit is issued in the form of a decal. One decal shall be issued at no charge with each annual saltwater, freshwater, combination, small game hunting, big game hunting, and trapping license issued by the department. The annual fee for a fish and wildlife lands vehicle use permit, if purchased separately, is ten dollars. A person to whom the department has issued a decal or who has purchased a vehicle use permit separately may purchase a decal from the department for each additional vehicle owned by the person at a cost of five dollars per decal upon a showing of proof to the department that the person owns the additional vehicle or vehicles. Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities. ~~((Revenue derived from the sale of fish and wildlife lands vehicle use permits shall be used solely for the stewardship and maintenance of department improved access facilities.))~~

Youth groups may use department improved access facilities without possessing a vehicle use permit when accompanied by a vehicle use permit holder.

The department may accept contributions into the state wildlife fund for the sound stewardship of fish and wildlife. Contributors shall be known as "conservation patrons" and, for contributions of twenty dollars or more, shall receive a fish and wildlife lands vehicle use permit free of charge.

(2) The decal must be affixed in a permanent manner to the motor vehicle before entering upon or using the motor vehicle on a department improved access facility, and must be displayed on the rear window of the motor vehicle, or, if the motor vehicle does not have a rear window, on the rear of the motor vehicle.

(3) Failure to display the fish and wildlife lands vehicle use permit if required by this section is an infraction under chapter 7.84 RCW, and department employees are authorized to issue a notice of infraction to the registered owner of any motor vehicle entering upon or using a department improved access facility without such a decal. The penalty for failure to display or improper display of the decal is sixty-six dollars.

Sec. 272. RCW 77.32.420 and 1998 c 191 s 4 are each amended to read as follows:

~~((4))~~ Recreational licenses are not transferable. Upon request of a fish and wildlife officer, ex officio fish and wildlife officer, or authorized fish and wildlife employee, a person digging for, fishing for, or possessing shellfish, or seaweed or fishing for or possessing food fish or game fish for personal use shall exhibit the required recreational license and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.

~~((2) The personal use shellfish and seaweed license shall be visible on the licensee while harvesting shellfish or seaweed.))~~

Repealed Sections

NEW SECTION. **Sec. 273.** The following acts or parts of acts are each repealed:

(1) RCW 77.08.070 ("Raffle" defined) and 1996 c 101 s 4;

(2) RCW 77.12.101 (Seizure of contraband wildlife and devices--Forfeiture) and 1989 c 314 s 2;

(3) RCW 77.12.200 (Acquisition of property) and 1987 c 506 s 28, 1980 c 78 s 35, 1965 ex.s. c 97 s 1, & 1955 c 36 s 77.12.200;

(4) RCW 77.16.210 (Fishways to be provided and maintained) and 1980 c 78 s 88 & 1955 c 36 s 77.16.210;

(5) RCW 77.16.290 (Law enforcement officers, exemption) and 1994 sp.s. c 7 s 444, 1980 c 78 s 95, & 1955 c 36 s 77.16.290;

(6) RCW 77.16.340 (Obstructing the taking of fish or wildlife--Penalty--Defenses) and 1988 c 265 s 1;

(7) RCW 77.16.350 (Obstructing the taking of fish or wildlife--Civil action) and 1988 c 265 s 2;

(8) RCW 77.21.020 (Revocation of hunting license for big game violation--Subsequent issuance--Appeal) and 1998 c 191 s 35, 1987 c 506 s 70, 1980 c 78 s 124, & 1975 1st ex.s. c 6 s 1;

(9) RCW 77.21.030 (Revocation for shooting person or livestock--Subsequent issuance) and 1998 c 191 s 36, 1987 c 506 s 71, 1980 c 78 s 123, & 1955 c 36 s 77.32.280;

(10) RCW 77.21.070 (Illegal killing or possession of wildlife--Restitution to state--Amounts--Bail--License revoked) and 1997 c 226 s 2, 1989 c 11 s 28, 1987 c 506 s 74, 1986 c 318 s 1, 1984 c 258 s 336, & 1983 1st ex.s. c 8 s 3;

(11) RCW 77.32.005 (Definitions) and 1998 c 191 s 6, 1989 c 305 s 17, 1980 c 78 s 102, 1961 c 94 s 1, & 1957 c 176 s 14;

(12) RCW 77.32.060 (Licenses, permits, tags, stamps, and raffle tickets--Amount of fees to be retained by license dealers) and 1998 c 245 s 160, 1996 c 101 s 9, 1995 c 116 s 2, 1987 c 506 s 78, 1985 c 464 s 1, 1981 c 310 s 17, 1980 c 78 s 107, 1979 ex.s. c 3 s 3, 1970 ex.s. c 29 s 2, 1957 c 176 s 2, & 1955 c 36 s 77.32.060; and

(13) RCW 77.44.020 (Species included in term "warm water game fish") and 1996 c 222 s 2.

Recodified Sections

NEW SECTION. Sec. 274. RCW 77.04.100, 77.16.020, 77.16.095, and 77.21.080 are each recodified as sections in chapter 77.12 RCW.

NEW SECTION. Sec. 275. RCW 77.12.080, 77.12.090, 77.12.095, 77.12.103, 77.16.070, 77.16.360, and 77.21.090 are each recodified as sections in chapter 77.15 RCW.

NEW SECTION. Sec. 276. RCW 77.12.530, 77.12.770, 77.12.780, 77.16.010, and 77.16.170 are each recodified as sections in chapter 77.32 RCW.

NEW SECTION. Sec. 277. RCW 77.18.005, 77.18.010, 77.18.020, and 77.18.030 are each recodified as sections in chapter 77.44 RCW."

On page 1, line 1 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 75.08.012, 75.08.020, 75.08.040, 75.08.045, 75.08.055, 75.08.080, 75.08.206, 75.08.208, 75.08.230, 75.08.245, 75.10.150, 75.12.230, 75.20.061, 75.20.098, 75.20.100, 75.20.104, 75.20.1041, 75.20.106, 75.20.130, 75.20.320, 75.24.060, 75.24.065, 75.24.070, 75.24.100, 75.24.130, 75.25.092, 75.28.011, 75.28.020, 75.28.034, 75.28.042, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.114, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.300, 75.28.323, 75.28.340, 75.28.730, 75.28.740, 75.28.760, 75.28.770, 75.28.780, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.220, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.320, 75.30.330, 75.30.350, 75.30.370, 75.30.380, 75.30.390, 75.30.420, 75.30.440, 75.30.460, 75.30.470, 75.30.490, 75.30.500, 75.40.020, 75.40.110, 75.44.100, 75.44.120, 75.44.130, 75.44.150, 75.46.010, 75.46.040, 75.46.050, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.160, 75.46.170, 75.46.180, 75.48.100, 75.50.080, 75.50.105, 75.50.115, 75.50.160, 75.52.020, 75.52.050, 75.52.070, 75.52.100, 75.52.110, 75.52.130, 75.52.140, 75.52.160, 75.54.140, 75.54.150, 75.56.050, 75.58.010, 75.58.020, 75.58.030, 77.04.010, 77.04.020, 77.04.030, 77.04.055, 77.04.080, 77.04.100,

77.08.010, 77.12.010, 77.12.035, 77.12.055, 77.12.080, 77.12.090, 77.12.103, 77.12.204, 77.12.210, 77.12.220, 77.12.250, 77.12.315, 77.12.470, 77.12.480, 77.12.490, 77.12.610, 77.12.620, 77.12.630, 77.12.655, 77.12.830, 77.12.858, 77.15.070, 77.15.080, 77.15.090, 77.15.100, 77.15.120, 77.15.160, 77.15.300, 77.15.310, 77.15.320, 77.15.350, 77.15.360, 77.15.380, 77.15.390, 77.15.470, 77.15.480, 77.15.500, 77.15.530, 77.15.540, 77.15.570, 77.15.580, 77.15.620, 77.15.630, 77.15.640, 77.15.650, 77.15.710, 77.15.720, 77.16.020, 77.16.360, 77.17.020, 77.18.010, 77.21.090, 77.32.010, 77.32.014, 77.32.050, 77.32.090, 77.32.199, 77.32.250, 77.32.350, 77.32.380, and 77.32.420; reenacting and amending RCW 75.50.100, 75.50.110, and 77.12.170; adding new sections to chapter 77.04 RCW; adding new sections to chapter 77.08 RCW; adding new sections to chapter 77.12 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.32 RCW; adding new sections to chapter 77.44 RCW; adding new chapters to Title 77 RCW; creating a new section; recodifying RCW 75.08.012, 75.08.013, 75.08.020, 75.08.090, 75.08.110, 75.08.025, 75.08.040, 75.08.045, 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295, 75.08.300, 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390, 75.12.440, 75.12.650, 75.20.005, 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098, 75.20.100, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330, 75.20.340, 75.20.350, 77.12.830, 75.24.010, 75.24.030, 75.24.060, 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120, 75.24.130, 75.24.140, 75.24.150, 75.28.010, 75.28.011, 75.28.014, 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044, 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.114, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199, 77.32.211, 75.30.015, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470, 75.30.480, 75.30.490, 75.30.500, 75.40.010, 75.40.020, 75.40.030, 75.40.040, 75.40.100, 75.40.110, 77.17.010, 77.17.020, 77.17.030, 77.12.450, 77.12.470, 77.12.480, 77.12.490, 75.40.060, 77.12.430, 77.12.440, 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, 75.44.150, 75.46.005, 75.46.010, 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.150, 75.46.160, 75.46.170, 75.46.180, 75.46.190, 75.46.200, 75.46.210, 75.46.300, 75.46.350, 75.56.050, 75.46.900, 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070, 75.48.080, 75.48.100, 75.48.110, 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100, 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150, 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245, 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450, 75.08.500, 75.08.510, 75.08.520, 75.08.530, 75.50.900, 75.52.010, 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140, 75.52.150, 75.52.160, 75.52.900, 75.54.005, 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140, 75.54.150, 75.54.900, 75.54.901, 75.56.010, 75.56.020, 75.56.030, 75.56.040, 75.56.900, 75.56.905, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 75.25.092, 75.10.150, 77.04.100, 77.16.020, 77.16.095, 77.21.080, 77.12.080, 77.12.090, 77.12.095, 77.12.103, 77.16.070, 77.16.360, 77.21.090, 77.12.530, 77.12.770, 77.12.780, 77.16.010, 77.16.170, 77.18.005, 77.18.010, 77.18.020, and 77.18.030; decodifying RCW 75.25.901, 75.25.902, 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030; and repealing RCW 75.08.010, 75.08.011, 75.08.014, 75.08.035, 75.08.274, 75.10.070,

75.10.160, 75.25.090, 75.25.160, 75.25.210, 75.28.012, 75.28.335, 75.30.160, 77.08.070, 77.12.101, 77.12.200, 77.16.210, 77.16.290, 77.16.340, 77.16.350, 77.21.020, 77.21.030, 77.21.070, 77.32.005, 77.32.060, and 77.44.020."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2078 and advanced the bill as amended by the Senate to final passage.

Representatives Sump and Anderson spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2078 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2078 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute House Bill No. 2078, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2000

Mr. Speaker:

The Senate has passed Engrossed House Bill No. 2609 with the following amendment(s)

On page 3, after line 11, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 26.23 RCW to read as follows: For any payment made by a check as defined in RCW 62A.3-104, if the instrument is dishonored under RCW 62A.3-515, the costs and fees authorized under RCW 62A.3-515 apply. The department may establish procedures and adopt rules to enforce this section."

On page 1, line 1 of the title, after "checks;" strike "and" and on line 2, after "62A.3-525" insert "; and adding a new section to chapter 26.23 RCW"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 2609 and advanced the bill as amended by the Senate to final passage.

Representatives Carrell and Constantine spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2609 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2609 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed House Bill No. 2609, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2776 with the following amendment(s)

On page 2, line 21, after "conditions" insert "and has not been determined to have committed another traffic infraction"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2776 and advanced the bill as amended by the Senate to final passage.

Representatives Constantine and Carrell spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2776 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2776 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 2776, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2799 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The administrator for the courts shall establish a pilot program for the efficient state-wide processing of warrants issued by courts of limited jurisdiction. The pilot program shall contain procedures and criteria for courts of limited jurisdiction to enter into agreements with other courts of limited jurisdiction throughout the state to process each other's warrants when the defendant is within the processing court's jurisdiction. The administrator for the courts shall establish a formula for allocating between the court processing the warrant and the court that issued the warrant any moneys collected and costs associated with the processing of warrants.

Sec. 2. RCW 3.66.010 and 1984 c 258 s 40 are each amended to read as follows:

(1) The justices of the peace elected in accordance with chapters 3.30 through 3.74 RCW are authorized to hold court as judges of the district court for the trial of all actions enumerated in chapters 3.30 through 3.74 RCW or assigned to the district court by law; to hear, try, and determine the same according to the law, and for that purpose where no special provision is otherwise made by law, such court shall be vested with all the necessary powers which are possessed by courts of record in this state; and all laws of a general nature shall apply to such district court as far as the same may be applicable and not inconsistent with the provisions of chapters 3.30 through 3.74 RCW. The district court shall, upon the demand of either party, impanel a jury to try any civil or criminal case in accordance with the provisions of chapter 12.12 RCW. No jury trial may be held in a proceeding involving a traffic infraction.

(2) A district court participating in the program established by the office of the administrator for the courts pursuant to section 1 of this act shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any other court of limited jurisdiction participating in the program.

Sec. 3. RCW 3.66.060 and 1984 c 258 s 44 are each amended to read as follows:

The district court shall have jurisdiction: (1) Concurrent with the superior court of all misdemeanors and gross misdemeanors committed in their respective counties and of all violations of city ordinances. It shall in no event impose a greater punishment than a fine of five thousand dollars, or imprisonment for one year in the county or city jail as the case may be, or both such fine and imprisonment, unless otherwise expressly provided by statute. It may suspend and revoke vehicle operators' licenses in the cases provided by law; (2) to sit as a committing magistrate and conduct preliminary hearings in cases provided by law; (3) concurrent with the superior court of a proceeding to keep the peace in their respective counties; (4) concurrent with the superior court of all violations under Title 75 RCW; ~~((and))~~ (5) to hear and determine traffic infractions under chapter 46.63 RCW; and (6) to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by other courts of limited jurisdiction when those courts are participating in the program established under section 1 of this act.

Sec. 4. RCW 3.66.070 and 1991 c 290 s 2 are each amended to read as follows:

All criminal actions shall be brought in the district where the alleged violation occurred: PROVIDED, That (1) the prosecuting attorney may file felony cases in the district in which the county seat is located, (2) with the consent of the defendant criminal actions other than those arising out of violations of city ordinances may be brought in or transferred to the district in which the county seat is located, ~~((and))~~ (3) if the alleged violation relates to driving, or being in actual physical control of, a motor vehicle while under the influence of intoxicating liquor or any drug and the alleged violation occurred within a judicial district which has been designated an enhanced enforcement district under RCW 2.56.110, the charges may be filed in that district or in a district within the same county which is adjacent to the district in which the alleged violation occurred, and (4) a district court participating in the program established by the office of the administrator for the courts pursuant to section 1 of this act shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any other court of limited jurisdiction participating in the program.

Sec. 5. RCW 3.46.030 and 1985 c 303 s 13 are each amended to read as follows:

A municipal department shall have exclusive jurisdiction of matters arising from ordinances of the city, and no jurisdiction of other matters except as conferred by statute. A municipal department participating in the program established by the office of the administrator for the courts pursuant to section 1 of this act shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program.

Sec. 6. RCW 3.50.020 and 1985 c 303 s 14 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court shall also have the jurisdiction as conferred by statute. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith. A municipal court participating in the program established by the office of the administrator for the courts pursuant to section 1 of this act shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program.

Sec. 7. RCW 35.20.030 and 1993 c 83 s 3 are each amended to read as follows:

The municipal court shall have jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and

determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five thousand dollars or imprisonment in the city jail not to exceed one year, or both such fine and imprisonment, but the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with RCW 46.63.090(5). Costs in civil and criminal cases may be taxed as provided in district courts. A municipal court participating in the program established by the office of the administrator for the courts pursuant to section 1 of this act shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program.

NEW SECTION. **Sec. 8.** The program established by the office of the administrator for the courts pursuant to section 1 of this act shall by June 1, 2003, report to the legislature on the effectiveness and costs of the pilot program. Copies of the report shall be distributed to the house of representatives judiciary committee and the senate judiciary committee."

On page 1, line 2 of the title, after "jurisdiction;" strike the remainder of the title and insert "amending RCW 3.66.010, 3.66.060, 3.66.070, 3.46.030, 3.50.020, and 35.20.030; and creating new sections."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2799 and advanced the bill as amended by the Senate to final passage.

Representatives Lambert and Constantine spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Substitute House Bill No. 2799 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2799 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 2799, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2000

Mr. Speaker:

The Senate has passed Second Substitute House Bill No. 2663 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that schizophrenia is a devastating and costly disease. Atypical antipsychotic medications have been developed for treatment of schizophrenia and other similar psychiatric and neurological conditions, which have been effective at treating these conditions with less severe side effects than the side effects that accompany typical antipsychotics. Atypical antipsychotic medications are commonly prescribed and are within the standard of care. In order to protect the public health, safety, and welfare, and reduce the economic and societal costs associated with untreated schizophrenia and other similar psychiatric and neurological conditions, the legislature intends to promote access to atypical antipsychotic medications by those unable to access them and who present a risk of harm to themselves and to the community.

NEW SECTION. Sec. 2. (1) To the extent funds are appropriated, the department of social and health services shall request proposals that promote access to atypical antipsychotic medications to persons who meet the following criteria:

(a) The person has schizophrenia or other psychiatric or neurological condition that is treated with atypical antipsychotic medication;

(b) The person's income is less than two hundred percent of the federal poverty level; and

(c) The person is not covered by insurance or other benefit that pays for atypical antipsychotic medications. The person may have a copayment requirement under available coverage, which is cost prohibitive for the person given his or her income level, which would not disqualify the person under the requirement of this section.

(2) Contracts shall be awarded to contractors whose proposal meets the following criteria:

(a) Has a distribution mechanism that achieves cost savings in service delivery and medication costs;

(b) Targets children and adults who are transitioning out of state or local correctional or detention facilities or who have recently received mental health services under chapter 71.05 or 71.34 RCW;

(c) Is based on a clear statement of intended outcomes which are objective and identified in the proposal;

(d) Is designed to provide temporary access to these atypical antipsychotic medications until the person has obtained coverage or achieved financial capacity to retain them;

(e) Proposes to dispense the atypical antipsychotic medications as a part of a comprehensive program designed to achieve an improved mental status and stable living situation; and

(f) Maximizes cost savings of the atypical antipsychotic medications.

(3)(a) "Atypical antipsychotic medications" means drugs with a pharmacological classification of dibenzodiazepines, benzisoxazoles, thienobenzodiazepines, and dibenzothiazepines, and such other drugs as are defined in rule by the department which have the same or very similar utility in treating schizophrenia or other similar psychiatric and neurological conditions.

(b) "Access to atypical antipsychotic medications" includes:

(i) Pharmaceutical companies participating in this program shall increase access to their products for the targeted population through intensive outreach to their respective indigent drug programs as of the effective date of this act. The eligibility criteria of their respective indigent drug

programs shall not be changed to decrease access or availability from the criteria as they exist on March 15, 2000; and

(ii) Other drugs or laboratory tests when used in conjunction with the atypical antipsychotic medications to achieve maximum therapeutic effect, or to treat side effects.

(4) Nothing in this section creates or provides any individual with an entitlement to services or benefits. It is the intent of the legislature that atypical antipsychotic medications shall be made available under this section only to the extent of the availability and level of appropriation made by the legislature.

(5) The distribution mechanism shall require successful recipients to comply with data collection needs of the Washington institute for public policy.

(6) The department is authorized to establish rules necessary to implement the provisions of this act.

NEW SECTION. **Sec. 3.** (1) The Washington institute for public policy shall conduct an evaluation of this act to determine the following:

(a) Outcomes for persons receiving atypical antipsychotic medications under the provisions of this act, including, but not limited to the person's: (i) Ability to perform basic living skills and maintain a job; (ii) adherence to medication regimens; (iii) number of inpatient placement or acute care services after having received atypical antipsychotic medications; and (iv) criminal conviction record for further offenses, if any, after having received atypical antipsychotic medications;

(b) The extent to which this act increases access to atypical antipsychotic medications to the targeted population; and

(c) The uniformity by health care providers in prescribing atypical antipsychotic medications among the population identified under the provisions of this act.

(2) The Washington institute for public policy shall identify the number of children and the number of adults served; and outcomes, access, and uniformity for both children and adults.

(3) The Washington institute for public policy shall report to the legislature by January 1, 2002.

NEW SECTION. **Sec. 4.** This act expires June 30, 2002."

On page 1, line 2 of the title, after "populations;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Second Substitute House Bill No. 2663 and advanced the bill as amended by the Senate to final passage.

Representatives Alexander and Schual-Berke spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Ogden presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2663 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2663 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representatives Boldt and Fortunato - 2.

Second Substitute House Bill No. 2663, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 28, 2000

Mr. Speaker:

The Senate has passed Engrossed Substitute House Bill No. 2647 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. EMERGENCY RULES. (1) The director of the department of labor and industries shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(2) The transportation commission shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(3) The utilities and transportation commission shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(4) Notwithstanding RCW 34.05.350, the emergency rules adopted pursuant to this section shall remain in effect or be adopted in sequence until March 1, 2001, or the effective date of the permanent rules adopted pursuant to section 2 of this act, whichever is earlier.

(5) The emergency rules adopted pursuant to this section shall be designed to improve options available to ensure the safety of flaggers, and ensure that flaggers have adequate visual warning of objects approaching from behind them.

(6) In developing emergency rules adopted pursuant to this section, state agencies and commissions shall consult with other persons with an interest in improving safety standards for flaggers. State agencies and commissions shall report, by September 15, 2000, to the senate labor and workforce development committee and the house of representatives commerce and labor committee on the emergency rules adopted pursuant to this section.

NEW SECTION. Sec. 2. PERMANENT RULES. (1) The director of the department of labor and industries shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards governing flaggers.

(2) The transportation commission shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards and employment qualifications governing flaggers.

(3) The utilities and transportation commission shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards and employment qualifications governing flaggers.

(4) The permanent rules adopted pursuant to this section shall be designed to improve options available to ensure the safety of flaggers, ensure that flaggers have adequate visual warning of objects approaching from behind them, and update employment qualifications for flaggers.

(5) In developing permanent rules adopted pursuant to this section, state agencies and commissions shall consult with other persons with an interest in improving safety standards and updating employment qualifications for flaggers. State agencies and commissions shall coordinate and make consistent, to the extent possible, permanent rules. State agencies and commissions shall report, by April 22, 2001, to the senate labor and workforce development committee and the house of representatives commerce and labor committee on the permanent rules adopted pursuant to this section.

Sec. 3. RCW 9.91.020 and 1915 c 165 s 2 are each amended to read as follows:

Every person who, being employed upon any railway, as engineer, motorman, gripman, conductor, switch tender, fireman, bridge tender, ~~((flagman))~~ flagger, or signalman, or having charge of stations, starting, regulating or running trains upon a railway, or being employed as captain, engineer or other officer of a vessel propelled by steam, or being the driver of any animal or vehicle upon any public highway, street, or other public place, ~~((shall be))~~ is intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor.

Sec. 4. RCW 46.61.015 and 1995 c 50 s 1 are each amended to read as follows:

No person shall willfully fail or refuse to comply with any lawful order or direction of any duly authorized ~~((flagman))~~ flagger or any police officer or fire fighter invested by law with authority to direct, control, or regulate traffic.

A violation of this section is a misdemeanor.

Sec. 5. RCW 46.61.190 and 1975 c 62 s 27 are each amended to read as follows:

(1) Preferential right of way may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a duly authorized ~~((flagman))~~ flagger, or a police officer, or a fire fighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: PROVIDED, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of ~~((his))~~ the driver's failure to yield right of way.

Sec. 6. RCW 46.61.340 and 1965 ex.s. c 155 s 46 are each amended to read as follows:

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until ~~((he can do so))~~ the crossing can be made safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human (~~(flagman)~~) flagger gives or continues to give a signal of the approach or passage of a railroad train;

(c) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 7. RCW 46.61.355 and 1975 c 62 s 32 are each amended to read as follows:

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to the station agent of such railroad located nearest the intended crossing sufficiently in advance to allow such railroad a reasonable time to prescribe proper protection for such crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a (~~(flagman)~~) flagger or otherwise of the immediate approach of a railroad train or car. If a (~~(flagman)~~) flagger is provided by the railroad, movement over the crossing shall be under (~~(his)~~) the flagger's direction.

Sec. 8. RCW 47.36.220 and 1961 c 13 s 47.36.220 are each amended to read as follows:

Each driver of a motor vehicle used in connection with such construction, repair, or maintenance work shall obey traffic signs posted for, and (~~(flagman)~~) flaggers stationed at such location in the same manner and under the same restrictions as is required for the driver of any other vehicle.

NEW SECTION. **Sec. 9.** Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 10.** Sections 1 and 2 of this act may be known and cited as the "Kim Vendl Worker Safety Act."

NEW SECTION. **Sec. 11.** Captions used in this act are not any part of the law."

On page 1, line 1 of the title, after "flaggers;" strike the remainder of the title and insert "amending RCW 9.91.020, 46.61.015, 46.61.190, 46.61.340, 46.61.355, and 47.36.220; adding a new section to chapter 49.17 RCW; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 2647 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2903 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends, by the enactment of this act, to provide a very limited exception to the restrictions on disclosure of intercepted communications.

Sec. 2. RCW 9.73.090 and 1989 c 271 s 205 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities;

(c) Sound recordings that correspond to video images recorded by video cameras mounted in law enforcement vehicles. All law enforcement officers wearing a sound recording device that makes recordings corresponding to videos recorded by video cameras mounted in law enforcement vehicles must be in uniform. A sound recording device which makes a recording pursuant to this subsection (1)(c) may only be operated simultaneously with the video camera. No sound recording device may be intentionally turned off by the law enforcement officer during the operation of the video camera.

No sound or video recording made under this subsection (1)(c) may be duplicated and made available to the public by a law enforcement agency subject to this section until final disposition of any criminal or civil litigation which arises from the incident or incidents which were recorded. Such sound recordings shall not be divulged or used by any law enforcement agency for any commercial purpose. Any persons being recorded pursuant to this section shall be informed by the law enforcement officer that such recording is being made and the statement so informing those persons shall be included in the recording.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may renew or continue the authorization for additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days.

Sec. 3. RCW 9.73.080 and 1989 c 271 s 209 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, any person who violates RCW 9.73.030 is guilty of a gross misdemeanor.

(2) Any person who knowingly alters, erases, or wrongfully discloses any recording in violation of RCW 9.73.090(1)(c) is guilty of a gross misdemeanor."

On page 1, line 1 of the title, after "recordings;" strike the remainder of the title and insert "and amending RCW 9.73.090 and 9.73.080; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Substitute House Bill No. 2903 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed Engrossed Substitute House Bill No. 2380 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.20.020 and 1998 c 272 s 14 are each amended to read as follows:
As used in this chapter:

(1) "Aged person" means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(2) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to ~~((three))~~ seven or more aged persons not related by blood or marriage to the operator. ~~((#))~~ However, a boarding home that is licensed to provide board and domiciliary care to three to six persons on the effective date of this act may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) "Secretary" means the secretary of social and health services.

(5) "Department" means the state department of social and health services.

~~((6) "Authorized department" means any city, county, city-county health department or health district authorized by the secretary to carry out the provisions of this chapter.))~~

Sec. 2. RCW 18.20.040 and 1957 c 253 s 4 are each amended to read as follows:

An application for a license shall be made to the department ~~((or authorized department))~~ upon forms provided by ~~((either of said departments))~~ the department and shall contain such information as the department reasonably requires, which shall include affirmative evidence of ability to comply with such rules ~~((and regulations))~~ as are lawfully ~~((promulgated))~~ adopted by the ~~((board))~~ department.

Sec. 3. RCW 18.20.050 and 1987 c 75 s 3 are each amended to read as follows:

Upon receipt of an application for license, if the applicant and the boarding home facilities meet the requirements established under this chapter, the department ~~((or the department and the authorized health department jointly,))~~ shall issue a license. If there is a failure to comply with the provisions of this chapter or the standards~~((,))~~ and rules~~((, and regulations promulgated))~~ adopted pursuant thereto, the department~~((, or the department and authorized health department,))~~ may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the boarding home for a period to be determined by the department, ~~((or the department and authorized health department,))~~ but not to exceed twelve months, which provisional license shall not be subject to renewal. At the time of the application for or renewal of a license or provisional license the licensee shall pay a license fee as established by the department under RCW 43.20B.110. ~~((When the license or provisional license is issued jointly by the department and authorized health department, the license fee shall be paid to the authorized health department.))~~ All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed twelve months in duration~~((: PROVIDED, That))~~. However, when the annual license renewal date of a previously licensed boarding home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. All applications for renewal of a license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 4. RCW 18.20.110 and 1985 c 213 s 7 are each amended to read as follows:

The department ~~((or authorized health department))~~ shall make or cause to be made at least a yearly inspection and investigation of all boarding homes. Every inspection shall focus primarily on

actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records (other than financial records), methods of administration, the general and special dietary, and the stores and methods of supply. Following such an inspection or inspections, written notice of any violation of this law or the rules ~~((and regulations promulgated))~~ adopted hereunder~~((;))~~ shall be given to the applicant or licensee and the department. The department may prescribe by ~~((regulations))~~ rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the ~~((department or to the authorized department))~~ agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the ~~((regulations))~~ rules and standards herein authorized.

Sec. 5. RCW 18.20.120 and 1994 c 214 s 25 are each amended to read as follows:

All information received by the department ~~((or authorized health department))~~ through filed reports, inspections, or as otherwise authorized under this chapter~~((;))~~ shall not be disclosed publicly in any manner as to identify individuals or boarding homes, except at the specific request of a member of the public and disclosure is consistent with RCW 42.17.260(1).

Sec. 6. RCW 18.20.130 and 1995 c 369 s 4 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all boarding homes to be licensed hereunder, shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall adopt such recognized standards as may be applicable to boarding homes for the protection of life against the cause and spread of fire and fire hazards. The department, upon receipt of an application for a license, shall submit to the chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the boarding home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire ~~((regulations))~~ rules as ~~((promulgated))~~ adopted by the chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the boarding home and the department ~~((or authorized department))~~ as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire ~~((regulations))~~ rules. The department, ~~((authorized department,))~~ applicant, or licensee shall notify the chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the boarding home to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department ~~((or authorized department,))~~ a written report approving same with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for boarding homes adopted by the chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, and they shall jointly approve the premises before a full license can be issued.

Sec. 7. RCW 18.20.190 and 1998 c 272 s 15 are each amended to read as follows:

(1) The department of social and health services is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that a boarding home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated a boarding home without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a license; or

(e) Suspend admissions to the boarding home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any new resident until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification. Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

NEW SECTION. **Sec. 8.** A new section is added to chapter 18.20 RCW to read as follows:

(1) In an effort to ensure a cooperative process among the department, boarding home provider representatives, and resident and family representatives on matters pertaining to the boarding home program, the secretary, or his or her designee, shall designate an advisory board. The advisory board must include representatives of the state-wide boarding home associations, the state long-term care ombudsman program, the state-wide resident council program, consumers, and family representatives. Depending on the topic to be discussed, the department may invite other representatives in addition to the named members of the advisory board. The secretary, or his or her designee, shall periodically, but not less than quarterly, convene a meeting of the advisory board to encourage open dialogue on matters affecting the boarding home program. It is, minimally, expected that the department will discuss with the advisory board the department's inspection, enforcement, and quality improvement activities, in addition to seeking their comments and recommendations on matters described under subsection (2) of this section.

(2) The secretary, or his or her designee, shall seek comments and recommendations from the advisory board prior to the adoption of rules and standards, implementation of boarding home provider programs, or development of methods and rates of payment.

(3) For the purpose of implementing this section, "department" means either the department of health or the department of social and health services, depending on which department has the licensing authority under this chapter.

Sec. 9. 1998 c 272 s 24 (uncodified) is amended to read as follows:

(1) Section((s)) 13 ((~~through 16~~)) of this act expires July 1, 2000(~~(, unless reauthorized by the legislature)~~).

(2) Section 17 of this act expires December 12, 1999.

NEW SECTION. **Sec. 10.** A new section is added to chapter 18.20 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes any person who provides residents with hands-on personal care on behalf of a boarding home, except volunteers who are directly supervised.

(b) "Direct supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section, is on the premises, and is quickly and easily available to the caregiver.

(2) Training must have the following components: Orientation, basic training, specialty training as appropriate, and continuing education. All boarding home employees or volunteers who routinely interact with residents shall complete orientation. Boarding home administrators, or their designees, and caregivers shall complete orientation, basic training, specialty training as appropriate, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate boarding home staff to all boarding home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care or within one hundred twenty days of March 1, 2002, whichever is later. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without direct supervision. Boarding home administrators, or their designees, must complete basic training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of March 1, 2002, whichever is later.

(5) For boarding homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of administrators, or designees, and caregivers. Specialty training consists of modules on the core knowledge and skills that caregivers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test. Specialty training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care to a resident having special needs or within one hundred twenty days of March 1, 2002, whichever is later. However, if specialty training is not integrated with basic training, the specialty training must be completed within ninety days of completion of basic training. Until competency in the core specialty areas has been demonstrated, caregivers shall not provide hands-on personal care to residents with special needs without direct supervision. Boarding home administrators, or their designees, must complete specialty training and demonstrate competency within one hundred twenty days of March 1, 2002, if the boarding home serves one or more residents with special needs.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required during the first year following completion of the basic training. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

(8) Licensed persons who perform the tasks for which they are licensed are fully or partially exempt from the training requirements of this section, as specified by the department in rule.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(10) The community long-term care training and education steering committee established under section 11 of this act shall develop criteria for the approval of orientation, basic training, and specialty training programs.

(11) Boarding homes that desire to deliver facility-based training with facility designated trainers, or boarding homes that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The community long-term care training and education steering committee shall develop criteria for reviewing and approving trainers and training materials that are substantially similar to or better than the materials developed by the steering committee.

(12) The department shall adopt rules by March 1, 2002, for the implementation of this section based on the recommendations of the community long-term care training and education steering committee established in section 11 of this act.

(13) The orientation, basic training, specialty training, and continuing education requirements of this section take effect March 1, 2002, and shall be applied prospectively. However, nothing in this section affects the current training requirements under RCW 74.39A.010.

NEW SECTION. **Sec. 11.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The secretary shall appoint a steering committee for community long-term care training and education to advise the department on the development and approval of criteria for training materials, the development of competency tests, the development of criteria for trainers, and the development of exemptions from training. The community long-term care training and education steering committee shall also review the effectiveness of the training program or programs, including the qualifications and availability of the trainers. The steering committee shall also review the appropriateness of the adopted rules implementing this section. The steering committee shall advise the department on flexible and innovative learning strategies that accomplish the training goals, such as competency and outcome-based models and distance learning. The steering committee shall review and recommend the most appropriate length of time between an employee's date of first hire and the start of the employee's basic training.

(2) The steering committee shall, at a minimum, consist of a representative from each of the following: Each of the state-wide boarding home associations, two adult family home associations, each of the state-wide home care associations, the long-term care ombudsman program, the area agencies on aging, the department of health representing the nursing care quality assurance commission, and a consumer, or their nonprovider designee, from a boarding home, adult family home, home care served by an agency, and home care served by an individual provider. A majority of the members currently serving constitute a quorum.

(3) Nothing in this chapter shall prevent the adult family home advisory committee from enhancing training requirements for adult family providers and resident managers, regulated under chapter 18.48 RCW, at the cost of those providers and resident managers.

(4) Establishment of the steering committee does not prohibit the department from utilizing other advisory activities that the department deems necessary for program development. However, when the department obtains input from other advisory sources, the department shall present the information to the steering committee for review and approval.

(5) Each member of the steering committee shall serve without compensation. Consumer representatives may be reimbursed for travel expenses as authorized in RCW 43.03.060.

(6) The steering committee recommendations must implement the intent of RCW 74.39A.050(14) to create training that includes skills and competencies that are transferable to nursing assistant training.

(7) The steering committee shall cease to exist on July 1, 2004.

NEW SECTION. **Sec. 12.** A new section is added to chapter 74.39A RCW to read as follows:

All training curricula and material, except competency testing material, developed by the department and used in part or in whole to improve provider and caregiver knowledge and skill are in

the public domain and are subject to public disclosure under chapter 42.17 RCW. Any training curricula and material developed by a private entity and used under contract or by agreement with the department are also considered part of the public domain and shall be shared subject to any copyright restrictions. It is the department's responsibility when making training materials available to the public, to identify which material has copyright or other legal restrictions on its use, and which does not. Any proprietary curricula and material developed by a private entity for training purposes in facilities licensed under chapter 18.20 or 70.128 RCW or individual providers and home care agency providers under this chapter and approved for training by the department are not part of the public domain.

NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

- (1) RCW 18.20.060 (Actions against license) and 1991 c 3 s 35, 1989 c 175 s 60, 1985 c 213 s 5, & 1957 c 253 s 6; and
- (2) RCW 18.20.100 (Enforcement by local authorities--Authorization) and 1979 c 141 s 26 & 1957 c 253 s 10.

NEW SECTION. **Sec. 14.** This act takes effect July 1, 2000."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 18.20.020, 18.20.040, 18.20.050, 18.20.110, 18.20.120, 18.20.130, and 18.20.190; amending 1998 c 272 s 24 (uncodified); adding new sections to chapter 18.20 RCW; adding new sections to chapter 74.39A RCW; repealing RCW 18.20.060 and 18.20.100; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 2380 and asked the Senate to recede therefrom.

SPEAKER'S RULING

The Speaker (Representative Ogden presiding): "Representative Parlette, the Speakers are prepared to rule on your point of order regarding the scope and object of the Senate amendment to House Bill No. 2861.

House Bill No. 2861 is entitled "An Act relating to health care information". It amends the definition of "health care information" contained in RCW 70.20.010(6) to clarify that a patient's DNA is confidential information that may not be disclosed by a health care provider without the patient's consent, except under express conditions specified in state law.

The State amendment adds provisions requiring informed consent for isolating a person's DNA in certain circumstances; prohibiting insurers and employers from screening a person's individually identified DNA, and establishing a DNA commission to study and develop recommendations relating to the use and abuses of DNA testing.

Speaker Ballard and Speaker Chopp find that the Senate amendment exceeds the bill's purpose of protecting the confidentiality of DNA information held by health care providers, and therefore is outside the scope and objection of House Bill No. 2861.

Representative Parlette, your point of order is well taken."

There being no objection, the House did not concur in the Senate Amendment(s) to House Bill No. 2861 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2400 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.04.295 and 1992 c 103 s 11 are each amended to read as follows:

The board of accountancy shall have the power to revoke, suspend, ~~((for))~~ or refuse to renew a certificate or license, and may impose a fine in an amount not to exceed one thousand dollars plus the board's investigative and legal costs in bringing charges against a certified public accountant, or impose conditions precedent to renewal of the certificate or license of any certified public accountant for any of the following causes:

- (1) Fraud or deceit in obtaining a certificate as a certified public accountant, or in obtaining a license;
- (2) Dishonesty, fraud, or negligence while representing oneself as a CPA;
- (3) A violation of any provision of this chapter;
- (4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;
- (5) Conviction of a crime or an act constituting a crime under:
 - (a) The laws of this state;
 - (b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or
 - (c) Federal law;
- (6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state;
- (7) Suspension or revocation of the right to practice matters relating to public accounting before any state or federal agency;

For purposes of subsections (6) and (7) of this section, a certified copy of such revocation, suspension, or refusal to renew shall be prima facie evidence;
- (8) Failure to maintain compliance with the requirements for issuance, renewal, or reinstatement of the certificate or license, or to report changes to the board;
- (9) Failure to cooperate with the board by:
 - (a) Failure to furnish any papers or documents requested or ordered by the board;
 - (b) Failure to furnish in writing a full and complete explanation covering the matter contained in the complaint filed with the board or the inquiry of the board;
 - (c) Failure to respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 2. RCW 18.04.105 and 1999 c 378 s 2 are each amended to read as follows:

- (1) The certificate of "certified public accountant" shall be granted by the board to any person:
 - (a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a certified public accountant and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met the educational standards established by rule as the board determines to be appropriate;

The board may, in its discretion, waive the educational requirements for any person if it is satisfied through review of documentation of successful completion of an equivalency examination that the person's educational qualifications are an acceptable substitute for the requirements of (b) of this subsection; and

(c) Who has passed a written examination.

(2) The examination described in subsection (1)(c) of this section shall be in writing, shall be held twice a year, and shall test the applicant's knowledge of the subjects of accounting and auditing, and other related fields the board may specify by rule. The time for holding the examination is fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and taking the examination, including methods for grading papers and determining a passing grade required of an applicant for a certificate. The board shall to the extent possible see to it that the grading of the examination, and the passing grades, are uniform with those applicable to all other states. The board may make use of all or a part of the uniform certified public accountant examination and advisory grading service of the American Institute of Certified Public Accountants and may contract with third parties to perform administrative services with respect to the examination as the board deems appropriate to assist it in performing its duties under this chapter.

(3) An applicant is required to pass all sections of the examination provided for in subsection (2) of this section in order to qualify for a certificate. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that he or she passed, and need not take those sections again: PROVIDED, That:

(a) The applicant took all sections of the examination at that sitting;

(b) The applicant attained a minimum grade of fifty on each section not passed at that sitting;

(c) The applicant passes the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;

(d) At each subsequent sitting at which the applicant seeks to pass additional sections, the applicant takes all sections not yet passed; and

(e) In order to receive credit for passing additional sections in a subsequent sitting, the applicant attains a minimum grade of fifty on sections written but not passed on the sitting.

(4) The board may waive or defer any of the requirements of subsection (3) of this section for candidates transferring conditional CPA exam credits from other states or for qualifying reciprocity certification applicants who met the conditioning requirements of the state or foreign jurisdiction issuing their original certificate.

(5) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection (3) of this section for each subject in which the applicant is reexamined. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination.

(6) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(7) A certificate of a "certified public accountant" under this chapter is issued every three years with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(8) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant shall verify to the board that he or she has completed at least an accumulation of one hundred twenty hours of continuing professional education during the last three-year period to maintain the certificate;

- (b) Establish continuing professional education requirements;
 - (c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education;
 - (d) Provide that failure to furnish verification of the completion of the continuing professional education requirement shall make the certificate invalid and subject to reinstatement, unless the board determines that the failure was due to retirement, reasonable cause, or excusable neglect; and
 - (e) Provide for transition from existing to new continuing professional education requirements.
- (9) The board may adopt by rule new CPE standards that differ from those in subsection (8) of this section or RCW 18.04.215 if: (a) The new standards are consistent with the continuing professional education standards of other states so as to provide to the greatest extent possible, consistent national standards; and (b) the new standards are at least as strict as the standards set forth in subsection (8) of this section or RCW 18.04.215.

Sec. 3. RCW 18.20.010 and 1985 c 297 s 1 are each amended to read as follows:

The purpose of this chapter is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of boarding homes, which, in the light of advancing knowledge, will promote safe and adequate care of the individuals therein. It is further the intent of the legislature that boarding homes be available to meet the needs of those for whom they care by recognizing the capabilities of individuals to direct their self-medication or to use supervised self-medication techniques when ordered and approved by a physician licensed under chapter 18.57 or 18.71 RCW or a ~~((podiatrist))~~ podiatric physician and surgeon licensed under chapter 18.22 RCW.

EXPLANATORY NOTE

The term "podiatrist" was changed to "podiatric physician and surgeon" by 1990 c 147.

Sec. 4. RCW 18.22.040 and 1993 c 29 s 2 are each amended to read as follows:

Before any person may take an examination for the issuance of a podiatric physician and surgeon license, the applicant shall submit a completed application and a fee determined by the secretary as provided in RCW 43.70.250. The applicant shall also furnish the secretary and the board with satisfactory proof that:

- (1) The applicant has not engaged in unprofessional conduct as defined in chapter 18.130 RCW and is not unable to practice with reasonable skill and safety as a result of a physical or mental impairment;
- (2) The applicant has satisfactorily completed a course in an approved school of podiatric medicine and surgery;
- (3) The applicant has completed one year ~~((of))~~ of postgraduate podiatric medical training in a program approved by the board, provided that applicants graduating before July 1, 1993, shall be exempt from the postgraduate training requirement.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 5. RCW 18.25.0151 and 1994 sp.s. c 9 s 104 are each amended to read as follows:

The Washington state chiropractic quality assurance commission is established, consisting of fourteen members appointed by the governor to four-year terms, and including eleven practicing chiropractors and three public members. No member may serve more than two consecutive full terms. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the governor appoint members of the previous boards and committees regulating this profession to the commission. Members of the commission hold office until their successors are appointed. The governor may appoint the members of the initial ~~((commissions [commission]))~~ commission to staggered terms of from one to four years. Thereafter, all members shall be appointed

to full four-year terms. The governor may consider persons who are recommended for appointment by chiropractic associations of this state.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 6. RCW 18.25.0196 and 1974 ex.s. c 97 s 5 are each amended to read as follows:

Notwithstanding any other provision of law, for the purpose of RCW (~~18.25.120 through 18.25.150 and 18.25.170~~) 18.25.0192 through 18.25.0195 and 18.25.0197 it is immaterial whether the cost of any policy, plan, agreement, or contract be deemed additional compensation for services, or otherwise.

EXPLANATORY NOTE

RCW 18.25.120 through 18.25.150 and 18.25.170 were recodified as RCW 18.25.0192 through 18.25.0195 and 18.25.0197 by 1994 sp.s. c 9 s 120, effective July 1, 1994.

Sec. 7. RCW 18.25.0197 and 1974 ex.s. c 97 s 6 are each amended to read as follows:

RCW (~~18.25.120 through 18.25.160~~) 18.25.0192 through 18.25.0196 shall apply to all agreements, renewals, or contracts issued on or after July 24, 1974.

EXPLANATORY NOTE

RCW 18.25.120 through 18.25.160 were recodified as RCW 18.25.0192 through 18.25.0196 by 1994 sp.s. c 9 s 120, effective July 1, 1994.

Sec. 8. RCW 18.25.190 and 1994 sp.s. c 9 s 118 are each amended to read as follows:
Nothing in this chapter shall be construed to prohibit:

(1) The temporary practice in this state of chiropractic by any chiropractor licensed by another state, territory, or country in which he or she resides. However, the chiropractor shall not establish a practice open to the general public and shall not engage in temporary practice under this section for a period longer than thirty days. The chiropractor shall register his or her intention to engage in the temporary practice of chiropractic in this state with the commission before engaging in the practice of chiropractic, and shall agree to be bound by such conditions as may be prescribed by rule by the commission.

(2) The practice of chiropractic, except the administration of a chiropractic adjustment, by a person who is a regular senior student in an accredited school of chiropractic approved by the commission if the practice is part of a regular course of instruction offered by the school and the student is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the commission.

(3) The practice of chiropractic by a person serving a period of postgraduate chiropractic training in a program of clinical chiropractic training sponsored by a school of chiropractic accredited in this state if the practice is part of his or her duties as a clinical postgraduate trainee and the trainee is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the commission.

(4) The practice of chiropractic by a person who is eligible and has applied to take the next available examination for licensing offered by the commission, except that the unlicensed chiropractor must provide all services under the direct control and supervision of a licensed chiropractor approved by the commission. The unlicensed chiropractor may continue to practice as provided by this subsection until the results of the next available examination are published, but in no case for a period longer than six months. The commission shall adopt rules necessary to effectuate the intent of this subsection.

Any provision of chiropractic services by any individual under subsection (1), (2), (3), or (4) of this section shall be subject to the jurisdiction of the commission as provided in chapter ~~(s 18.26 and)~~ 18.130 RCW.

EXPLANATORY NOTE

Chapter 18.26 RCW was repealed by 1994 sp.s. c 9 s 121, effective July 1, 1994.

Sec. 9. RCW 18.27.270 and 1997 c 314 s 16 are each amended to read as follows:

(1) A contractor who is issued a notice of infraction shall respond within twenty days of the date of issuance of the notice of infraction.

(2) If the contractor named in the notice of infraction does not elect to contest the notice of infraction, then the contractor shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response which does not contest the notice of infraction is received by the department with the appropriate penalty, the department shall make the appropriate entry in its records.

(3) If the contractor named in the notice of infraction elects to contest the notice of infraction, the contractor shall respond by filing an answer of protest with the department specifying the grounds of protest.

(4) If any contractor issued a notice of infraction fails to respond within the prescribed response period, the contractor shall be guilty of a misdemeanor and prosecuted in the county where the infraction occurred.

(5) After final determination by an administrative law judge that an infraction has been committed, a contractor who fails to pay a monetary penalty within thirty days, that is not waived ~~((reduced, or suspended))~~ pursuant to RCW 18.27.340(2), and who fails to file an appeal pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(6) A contractor who fails to pay a monetary penalty within thirty days after exhausting appellate remedies pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(7) If a contractor who is issued a notice of infraction is a contractor who has failed to register as a contractor under this chapter, the contractor is subject to a monetary penalty per infraction as provided in the schedule of penalties established by the department, and each day the person works without becoming registered is a separate infraction.

EXPLANATORY NOTE

RCW 18.27.340(2) was amended by 1997 c 314 s 17, removing the reference to a reduced or suspended monetary penalty.

Sec. 10. RCW 18.39.010 and 1989 c 390 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Funeral director" means a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

(2) "Embalmer" means a person engaged in the profession or business of disinfecting, preserving or preparing for disposal or transportation of dead human bodies.

(3) "Two-year college course" means the completion of sixty semester hours or ninety quarter hours of college credit, including the satisfactory completion of certain college courses, as set forth in this chapter.

(4) "Funeral establishment" means a place of business licensed in accordance with RCW 18.39.145, conducted at a specific street address or location, and devoted to the care and preparation for burial or disposal of dead human bodies and includes all areas of such business premises and all

tools, instruments, and supplies used in preparation and embalming of dead human bodies for burial or disposal.

(5) "Director" means the director of licensing.

(6) "Board" means the state board of funeral directors and embalmers created pursuant to RCW 18.39.173.

(7) "Prearrangement funeral service contract" means any contract under which, for a specified consideration, a funeral establishment promises, upon the death of the person named or implied in the contract, to furnish funeral merchandise or services.

(8) "Funeral merchandise or services" means those services normally performed and merchandise normally provided by funeral establishments, including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches, or vaults.

(9) "Qualified public depository" means a public depository defined by RCW 39.58.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated, and governed by any act of congress, in which prearrangement funeral service contract funds are deposited by any funeral establishment.

Words used in this chapter importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.

EXPLANATORY NOTE

The term "depository" was redefined as "public depository" by 1996 c 256 s 1.

Sec. 11. RCW 18.39.510 and 1994 c 17 s 13 are each amended to read as follows:

(1) Prior to serving a statement of charges, the board may furnish a statement of allegations to the licensee, registrant, endorsement or permit holder, or applicant along with a detailed summary of the evidence relied upon to establish the allegations and a proposed stipulation for informal resolution of the allegations. These documents shall be exempt from public disclosure until such time as the allegations are resolved either by stipulation or otherwise.

(2) The board and the licensee, registrant, endorsement or permit holder, or applicant may stipulate that the allegations may be disposed of informally in accordance with this subsection. The stipulation shall contain a statement of the facts leading to the filing of the complaint; the act or acts of unprofessional conduct alleged to have been committed or the alleged basis for determining that the licensee, registrant, endorsement or permit holder, or applicant is unable to practice with reasonable skill and safety; a statement that the stipulation is not to be construed as a finding of either unprofessional conduct or inability to practice; an acknowledgement that a finding of unprofessional conduct or inability to practice, if proven, constitutes grounds for discipline under this chapter; an agreement on the part of the licensee, registrant, endorsement or permit holder, or applicant that the sanctions set forth in this chapter, except for revocation, suspension, censure, or reprimand of a licensee, registrant, endorsement ~~((of for))~~ or permit holder, or applicant may be imposed as part of the stipulation, except that no fine may be imposed but the licensee, registrant, endorsement or permit holder, or applicant may agree to reimburse the board the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars per allegation; and an agreement on the part of the board to forego further disciplinary proceedings concerning the allegations. A stipulation entered into pursuant to this subsection shall not be considered formal disciplinary action.

(3) If the licensee, registrant, endorsement or permit holder, or applicant declines to agree to disposition of the charges by means of a stipulation pursuant to subsection (2) of this section, the board may proceed to formal disciplinary action pursuant to this chapter.

(4) Upon execution of a stipulation under subsection (2) of this section by both the licensee, registrant, endorsement or permit holder, or applicant and the board, the complaint is deemed disposed of and shall become subject to public disclosure on the same basis and to the same extent as other records of the board. Should the licensee, registrant, endorsement or permit ~~((holder holder))~~ holder,

or applicant fail to pay any agreed reimbursement within thirty days of the date specified in the stipulation for payment, the board may seek collection of the amount agreed to be paid in the same manner as enforcement of a fine under this chapter.

EXPLANATORY NOTE

Corrects manifest drafting errors.

Sec. 12. RCW 18.44.241 and 1987 c 471 s 5 are each amended to read as follows:

The following criteria will be considered by the director when deciding whether to grant a licensed escrow agent a waiver from the errors and omissions policy requirement under RCW ((18.44.050)) 18.44.201:

(1) Whether the director has determined pursuant to RCW ((18.44.360)) 18.44.221 that an errors and omissions policy is not reasonably available to a substantial number of licensed escrow agents;

(2) Whether purchasing an errors and omissions policy would be cost-prohibitive for the licensed escrow agent requesting the exemption;

(3) Whether a licensed escrow agent has wilfully violated the provisions of chapter 18.44 RCW, which violation thereby resulted in the termination of the agent's certificate, or engaged in any other conduct resulting in the termination of the escrow certificate;

(4) Whether a licensed escrow agent has paid claims directly or through an errors and omissions carrier, exclusive of costs and attorney fees, in excess of ten thousand dollars in the calendar year preceding the year for which the waiver is requested;

(5) Whether a licensed escrow agent has paid claims directly or through an errors or omissions insurance carrier, exclusive of costs and attorney fees, totaling in excess of twenty thousand dollars in the three calendar years preceding the calendar year for which the exemption is requested; and

(6) Whether the licensed escrow agent has been convicted of a crime involving honesty or moral turpitude.

These criteria are not intended to be a wholly inclusive list of factors to be applied by the director when considering the merits of a licensed escrow agent's request for a waiver of the required errors and omissions policy.

EXPLANATORY NOTE

RCW 18.44.050 and 18.44.360 were recodified as RCW 18.44.201 and 18.44.221 pursuant to 1999 c 30 s 37.

Sec. 13. RCW 18.44.261 and 1987 c 471 s 6 are each amended to read as follows:

The director shall, within thirty days following submission of a written petition for waiver of the insurance requirements found in RCW ((18.44.050)) 18.44.201, issue a written determination granting or rejecting an applicant's request for waiver.

EXPLANATORY NOTE

RCW 18.44.050 was recodified as RCW 18.44.201 pursuant to 1999 c 30 s 37.

Sec. 14. RCW 18.44.271 and 1987 c 471 s 7 are each amended to read as follows:

Upon granting a waiver of insurance requirements found in RCW ((18.44.050)) 18.44.201, the director shall issue a certificate of waiver, which certificate shall be mailed to the escrow agent who requested the waiver.

EXPLANATORY NOTE

RCW 18.44.050 was recodified as RCW 18.44.201 pursuant to 1999 c 30 s 37.

Sec. 15. RCW 18.44.281 and 1987 c 471 s 8 are each amended to read as follows:

Upon determining that a licensed escrow agent is to be denied a waiver of the errors and omissions policy requirements of RCW (~~18.44.050~~) 18.44.201, the director shall within thirty days of the denial of an escrow agent's request for same, provide to the escrow agent a written explanation of the reasons for the director's decision to deny the requested waiver.

EXPLANATORY NOTE

RCW 18.44.050 was recodified as RCW 18.44.201 pursuant to 1999 c 30 s 37.

Sec. 16. RCW 18.44.291 and 1987 c 471 s 9 are each amended to read as follows:

Nothing in RCW (~~18.44.050 and 18.44.375 through 18.44.395~~) 18.44.201, 18.44.241 through 18.44.261, 18.44.271, and 18.44.281 shall be construed as prohibiting a person applying for an escrow license from applying for a certificate of waiver of the errors and omissions policy requirement when seeking an escrow license.

EXPLANATORY NOTE

RCW 18.44.050 and 18.44.375 through 18.44.395 were recodified as RCW 18.44.201, 18.44.241 through 18.44.261, 18.44.271, and 18.44.281, respectively, pursuant to 1999 c 30 s 37.

Sec. 17. RCW 18.44.450 and 1999 c 30 s 33 are each amended to read as follows:

(1) "Real property lender" as used in this section means a bank, savings bank, savings and loan association, credit union, mortgage company, or other corporation, association, or partnership that makes loans secured by real property located in this state.

(2) No real property lender, escrow agent, or officer or employee of any escrow agent or real property lender may give or agree to pay or give any money, service, or object of value to any real estate agent or broker, to any real property lender, or to any officer or employee of any agent, broker, or lender in return for the referral of any real estate escrow services. Nothing in this subsection prohibits the payment of fees or other compensation permitted under the federal Real Estate Settlement Procedures Act as amended (12 U.S.C. sections 2601 through 2617).

(3) The legislature finds that the practices governed by this subsection are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Any violation of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and (~~an~~) an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 18. RCW 18.48.060 and 1998 c 272 s 8 are each amended to read as follows:

(1) The secretary, in consultation with the secretary of social and health services, shall appoint an advisory committee on matters relating to the regulation, administrative rules, enforcement process, staffing, and training requirements of adult family homes. The advisory committee shall be composed of six members, of which two members shall be resident advocates, three members shall represent adult family home providers, and one member shall represent the public and serve as chair. The members shall generally represent the interests of aging residents, residents with dementia, residents with mental illness, and residents with developmental disabilities(~~(+)~~)₂ respectively. Members representing adult family home providers must have at least two years' experience as licensees. The membership must generally reflect urban and rural areas and western and eastern parts of the state. A member may not serve more than two consecutive terms.

(2) The secretary may remove a member of the advisory committee for cause as specified by rule adopted by the department. If there is a vacancy, the secretary shall appoint a member to serve for the remainder of the unexpired term.

(3) The advisory committee shall meet at the times and places designated by the secretary and shall hold meetings during the year as necessary to provide advice to the secretary on matters relating to the regulation of adult family homes. A majority of the members may request a meeting of the committee for any express purpose directly related to the regulation of adult family homes. A majority of members currently serving shall constitute a quorum.

(4) Establishment of the advisory committee shall not prohibit the department of health from utilizing other advisory activities that the department of health deems necessary for program development.

(5) Each member of the advisory committee shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.060.

(6) The secretary, members of the advisory committee, or individuals acting on their behalf are immune from civil liability for official acts performed in the course of their duties.

EXPLANATORY NOTE

Corrects a manifest error in punctuation.

Sec. 19. RCW 18.53.040 and 1975 1st ex.s. c 69 s 15 are each amended to read as follows:

Nothing in this chapter shall be construed to pertain in any manner to the practice of any regularly qualified oculist or physician, who is regularly licensed to practice medicine in the state of Washington, or to any person who is regularly licensed to practice as a dispensing optician in the state of Washington, nor to any person who in the regular course of trade, sells or offers for sale, spectacles or eyeglasses as regular merchandise without pretense of adapting them to the eyes of the purchaser, and not in evasion of this chapter: PROVIDED, That any such regularly qualified oculist or physician or other person shall be subject to the provisions of ~~((subdivisions (10) through (15) of))~~ RCW 18.53.140 (9) through (14), in connection with the performance of any function coming within the definition of the practice of optometry as defined in this chapter: PROVIDED FURTHER, HOWEVER, That in no way shall this section be construed to permit a dispensing optician to practice optometry as defined in this 1975 amendatory act.

EXPLANATORY NOTE

RCW 18.53.140 was amended by 1986 c 259 s 82, changing subsections (10) through (15) to subsections (9) through (14), respectively.

Sec. 20. RCW 18.57.174 and 1986 c 300 s 9 are each amended to read as follows:

~~((1))~~ (1) A health care professional licensed under chapter 18.57 RCW shall report to the board when he or she has personal knowledge that a practicing osteopathic physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing osteopathic physician may be unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any impairing mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of an osteopathic medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of an osteopathic physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The board may impose disciplinary sanctions, including license suspension or revocation, on any health care professional subject to the jurisdiction of the board who has failed to comply with this section.

EXPLANATORY NOTE

Corrects a manifest clerical error.

Sec. 21. RCW 18.57A.060 and 1973 c 77 s 20 are each amended to read as follows:

No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapter 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician's assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of (~~podiatry~~) podiatric medicine and surgery as defined in chapter 18.22 RCW.

EXPLANATORY NOTE

The term "podiatry" was changed to "podiatric medicine and surgery" by 1990 c 147.

Sec. 22. RCW 18.64.430 and 1993 c 492 s 267 are each amended to read as follows:

The registered or licensed pharmacist (~~(of under)~~) under this chapter shall establish and maintain a procedure for disclosing to physicians and other health care providers with prescriptive authority information detailed by prescriber, of the cost and dispensation of all prescriptive medications prescribed by him or her for his or her patients on request. These charges should be made available on at least a quarterly basis for all requested patients and should include medication, dosage, number dispensed, and the cost of the prescription. Pharmacies may provide this information in a summary form for each prescribing physician for all patients rather than as individually itemized reports. All efforts should be made to utilize the existing computerized records and software to provide this information in the least costly format.

EXPLANATORY NOTE

Corrects a grammatical deficiency.

Sec. 23. RCW 18.71.017 and 1994 sp.s. c 9 s 304 are each amended to read as follows:

The (~~board [commission]~~) commission may adopt such rules as are not inconsistent with the laws of this state as may be determined necessary or proper to carry out the purposes of this chapter. The commission is the successor in interest of the board of medical examiners and the medical disciplinary board. All contracts, undertakings, agreements, rules, regulations, and policies continue in full force and effect on July 1, 1994, unless otherwise repealed or rejected by this chapter or by the commission.

EXPLANATORY NOTE

Corrects the reference to the Washington state medical quality assurance commission.

Sec. 24. RCW 18.74.012 and 1991 c 12 s 2 are each amended to read as follows:

Notwithstanding the provisions of RCW 18.74.010(~~((4))~~) (3), a consultation and periodic review by an authorized health care practitioner is not required for treatment of neuromuscular or musculoskeletal conditions: PROVIDED, That a physical therapist may only provide treatment utilizing orthoses that support, align, prevent, or correct any structural problems intrinsic to the foot or ankle by referral or consultation from an authorized health care practitioner.

EXPLANATORY NOTE

RCW 18.74.010 was amended by 1991 c 12 s 1 and subsection (4) was renumbered as subsection (3).

Sec. 25. RCW 18.88A.140 and 1991 c 16 s 5 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice by an individual licensed, certified, or registered under the laws of this state and performing services within their authorized scope of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services (~~(is)~~) is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 26. RCW 18.104.020 and 1993 c 387 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless a different meaning is plainly required by the context.

(1) "Abandoned well" means a well that is unused, unmaintained, and is in such disrepair as to be unusable.

(2) "Constructing a well" or "construct a well" means:

(a) Boring, digging, drilling, or excavating a well;

(b) Installing casing, sheeting, lining, or well screens, in a well; or

(c) Drilling a geotechnical soil boring.

"Constructing a well" or "construct a well" includes the alteration of an existing well.

(3) "Decommission" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifers.

(4) "Department" means the department of ecology.

(5) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a landslide, or protecting an aquifer.

(6) "Director" means the director of the department of ecology.

(7) "Geotechnical soil boring" or "boring" means an uncased well drilled for purpose of obtaining soil samples to ascertain structural properties of the subsurface. Geotechnical soil boring includes auger borings, rotary borings, cone penetrometer probes and vane shear probes, or any other uncased ground penetration for geotechnical information.

(8) "Ground water" means and includes ground waters as defined in RCW 90.44.035.

(9) "Instrumentation well" means a well in which pneumatic or electric geotechnical or hydrological instrumentation is permanently or periodically installed to measure or monitor subsurface strength and movement. Instrumentation well includes borehole extensometers, slope indicators, pneumatic or electric pore pressure transducers, and load cells.

(10) "Monitoring well" means a well designed to obtain a representative ground water sample or designed to measure the water level elevation in either clean or contaminated water or soil.

(11) "Observation well" means a well designed to measure the depth to the water level elevation in either clean or contaminated water or soil.

(12) "Operator" means a person who (a) is employed by a well contractor; (b) is licensed under this chapter; or (c) who controls, supervises, or oversees the construction of a well or who operates well construction equipment.

(13) "Owner" or "well owner" means the person, firm, partnership, copartnership, corporation, association, or other entity who owns the property on which the well is or will be constructed.

(14) "Pollution" and "contamination" have the meanings provided in RCW 90.48.020.

(15) "Resource protection well" means a cased boring used to determine the existence or migration of pollutants within an underground formation. Resource protection wells include monitoring wells, observation wells, piezometers, spill response wells, vapor extraction wells, and instrumentation wells.

(16) "Resource protection well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing resource protection wells or geotechnical soil borings.

(17) "Water well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering, or withdrawal of ground water.

(18) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(19) "Well" means water wells, resource protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

(20) "Well contractor" means a resource protection well contractor and a water well contractor.

EXPLANATORY NOTE

Corrects a manifest error in punctuation.

Sec. 27. RCW 18.106.180 and 1996 c 147 s 4 are each amended to read as follows:

An authorized representative of the department may issue a notice of infraction as specified in RCW 18.106.020(~~(3)~~) (4) if a person who is doing plumbing work or who is offering to do plumbing work fails to produce evidence of having a certificate or permit issued by the department in accordance with this chapter or of being supervised by a person who has such a certificate or permit. A notice of infraction issued under this section shall be personally served on the person named in the notice by an authorized representative of the department or sent by certified mail to the last known address provided to the department of the person named in the notice.

EXPLANATORY NOTE

RCW 18.106.020 was amended by 1997 c 326 s 3, changing subsection (3) to subsection (4).

Sec. 28. RCW 18.106.250 and 1994 c 174 s 7 are each amended to read as follows:

(1) The administrative law judge shall conduct notice of infraction cases under this chapter pursuant to chapter 34.05 RCW.

(2) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the notice was issued:

(a) The defendant who was issued a notice of infraction authorized by RCW 18.106.020(~~(3)(a)~~) (4)(a) had a certificate or permit issued by the department in accordance with this chapter, was supervised by a person who has such a certificate or permit, or was exempt from this chapter under RCW 18.106.150; or

(b) For the defendant who was issued a notice of infraction authorized by RCW 18.106.020(~~(3)~~) (4) (b) or (c), the person employed or supervised by the defendant has a certificate or permit issued by the department in accordance with this chapter, was supervised by a person who had such a certificate or permit, or was exempt from this chapter under RCW 18.106.150.

(3) After consideration of the evidence and argument, the administrative law judge shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the record of the proceedings. If it has been established that the infraction was committed, the administrative law judge shall issue findings of fact and conclusions of law in its decision and order determining whether the infraction was committed.

(4) An appeal from the administrative law judge's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

EXPLANATORY NOTE

RCW 18.106.020 was amended by 1997 c 326 s 3, changing subsection (3) to subsection (4).

Sec. 29. RCW 18.130.172 and 1993 c 367 s 7 are each amended to read as follows:

(1) Prior to serving a statement of charges under RCW 18.130.090 or 18.130.170, the disciplinary authority may furnish a statement of allegations to the licensee or applicant along with a detailed summary of the evidence relied upon to establish the allegations and a proposed stipulation for informal resolution of the allegations. These documents shall be exempt from public disclosure until such time as the allegations are resolved either by stipulation or otherwise.

(2) The disciplinary authority and the applicant or licensee may stipulate that the allegations may be disposed of informally in accordance with this subsection. The stipulation shall contain a statement of the facts leading to the filing of the complaint; the act or acts of unprofessional ~~((conducted [conduct]))~~ conduct alleged to have been committed or the alleged basis for determining that the applicant or licensee is unable to practice with reasonable skill and safety; a statement that the stipulation is not to be construed as a finding of either unprofessional conduct or inability to practice; an acknowledgement that a finding of unprofessional conduct or inability to practice, if proven, constitutes grounds for discipline under this chapter; and an agreement on the part of the licensee or applicant that the sanctions set forth in RCW 18.130.160, except RCW 18.130.160 (1), (2), (6), and (8), may be imposed as part of the stipulation, except that no fine may be imposed but the licensee or applicant may agree to reimburse the disciplinary authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars per allegation; and an agreement on the part of the disciplinary authority to forego further disciplinary proceedings concerning the allegations. A stipulation entered into pursuant to this subsection shall not be considered formal disciplinary action.

(3) If the licensee or applicant declines to agree to disposition of the charges by means of a stipulation pursuant to subsection (2) of this section, the disciplinary authority may proceed to formal disciplinary action pursuant to RCW 18.130.090 or 18.130.170.

(4) Upon execution of a stipulation under subsection (2) of this section by both the licensee or applicant and the disciplinary authority, the complaint is deemed disposed of and shall become subject to public disclosure on the same basis and to the same extent as other records of the disciplinary authority. Should the licensee or applicant fail to pay any agreed reimbursement within thirty days of the date specified in the stipulation for payment, the disciplinary authority may seek collection of the amount agreed to be paid in the same manner as enforcement of a fine under RCW 18.130.165.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 30. RCW 18.135.060 and 1993 c 13 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section:

(a) Any health care assistant certified pursuant to this chapter shall perform the functions authorized in this chapter only by delegation of authority from the health care practitioner and under the supervision of a health care practitioner acting within the scope of his or her license. In the case of subcutaneous, intradermal and intramuscular and intravenous injections, a health care assistant may perform such functions only under the supervision of a health care practitioner having authority, within the scope of his or her license, to order such procedures.

(b) The health care practitioner who ordered the procedure or a health care practitioner who could order the procedure under his or her license shall be physically present in the immediate area of a hospital or nursing home where the injection is administered. Sensitivity agents being administered intradermally or by the scratch method are excluded from this requirement.

(2) A health care assistant trained by a federally approved end-stage renal disease facility may perform venipuncture for blood withdrawal, administration of oxygen as necessary by cannula or mask, venipuncture for placement of fistula needles, intravenous administration of heparin and sodium chloride solutions as an integral part of dialysis treatment, and intradermal, subcutaneous, or topical administration of local anesthetics in conjunction with placement of fistula needles, and intraperitoneal administration of sterile electrolyte solutions and heparin for peritoneal dialysis: (a) In the center or health care facility if a registered nurse licensed under chapter ~~((18.88))~~ 18.79 RCW is physically present and immediately available in such center or health care facility; or (b) in the patient's home if a physician and a registered nurse are available for consultation during the dialysis.

EXPLANATORY NOTE

Chapter 18.88 RCW was repealed by 1994 sp.s. c 9 s 433, effective July 1, 1994, and replaced by chapter 18.79 RCW.

Sec. 31. RCW 18.145.010 and 1989 c 382 s 2 are each amended to read as follows:

(1) No person may represent himself or herself as a ~~((shorthand reporter or a))~~ court reporter without first obtaining a certificate as required by this chapter.

(2) A person represents himself or herself to be a ~~((shorthand reporter or))~~ court reporter when the person adopts or uses any title or description of services that incorporates one or more of the following terms: "Shorthand reporter," "court reporter," "certified shorthand reporter," or "certified court reporter."

EXPLANATORY NOTE

"Shorthand reporter" or "court reporter" now just "court reporter" pursuant to 1995 c 27.

Sec. 32. RCW 18.155.010 and 1990 c 3 s 801 are each amended to read as follows:

The legislature finds that sex offender therapists who examine and treat sex offenders pursuant to the special sexual offender sentencing alternative under RCW 9.94A.120~~((7)(a))~~ (8)(a) and who may treat juvenile sex offenders pursuant to RCW 13.40.160, play a vital role in protecting the public from sex offenders who remain in the community following conviction. The legislature finds that the qualifications, practices, techniques, and effectiveness of sex offender treatment providers vary widely and that the court's ability to effectively determine the appropriateness of granting the sentencing alternative and monitoring the offender to ensure continued protection of the community is undermined by a lack of regulated practices. The legislature recognizes the right of sex offender therapists to practice, consistent with the paramount requirements of public safety. Public safety is best served by

regulating sex offender therapists whose clients are being evaluated and being treated pursuant to RCW 9.94A.120(~~((7)(a))~~) (8)(a) and 13.40.160. This chapter shall be construed to require only those sex offender therapists who examine and treat sex offenders pursuant to RCW 9.94A.120(~~((7)(a))~~) (8)(a) and 13.40.160 to obtain a sexual offender treatment certification as provided in this chapter.

EXPLANATORY NOTE

RCW 9.94A.120 was amended by 1995 c 108 s 3, changing subsection (7) to subsection (8).

Sec. 33. RCW 18.155.020 and 1990 c 3 s 802 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Certified sex offender treatment provider" means a licensed, certified, or registered health professional who is certified to examine and treat sex offenders pursuant to RCW 9.94A.120(~~((7)(a))~~) (8)(a) and 13.40.160.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of health.

(4) "Sex offender treatment provider" means a person who counsels or treats sex offenders accused of or convicted of a sex offense as defined by RCW 9.94A.030.

EXPLANATORY NOTE

RCW 9.94A.120 was amended by 1995 c 108 s 3, changing subsection (7) to subsection (8).

Sec. 34. RCW 18.155.030 and 1990 c 3 s 803 are each amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Only a certified sex offender treatment provider may perform or provide the following services:

(a) Evaluations conducted for the purposes of and pursuant to RCW 9.94A.120(~~((7)(a))~~) (8)(a) and 13.40.160;

(b) Treatment of convicted sex offenders who are sentenced and ordered into treatment pursuant to RCW 9.94A.120(~~((7)(a))~~) (8)(a) and adjudicated juvenile sex offenders who are ordered into treatment pursuant to RCW 13.40.160.

EXPLANATORY NOTE

RCW 9.94A.120 was amended by 1995 c 108 s 3, changing subsection (7) to subsection (8).

Sec. 35. RCW 18.160.030 and 1992 c 116 s 2 are each amended to read as follows:

(1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b)(i) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter. However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed one hundred dollars, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed three hundred dollars;

(ii) Adopt rules establishing a special category restricted to contractors registered under chapter 18.27 RCW who install underground systems that service fire protection sprinkler systems. The rules shall be adopted within ninety days of March 31, 1992;

(c) Enforce the provisions of this chapter;

(d) Conduct investigations of complaints to determine if any infractions of this chapter or the regulations developed under this chapter have occurred;

(e) ~~((Work with the fire sprinkler advisory committee consisting of fire protection sprinkler system contractors and other related officials;~~

~~(f))~~ Assign a certificate number to each certificate of competency holder; and

~~((g))~~ (f) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.

EXPLANATORY NOTE

The section creating the fire sprinkler advisory committee, 1990 c 177 s 9, was vetoed by the governor.

Sec. 36. RCW 18.160.040 and 1990 c 177 s 5 are each amended to read as follows:

(1) To become a certificate of competency holder under this chapter, an applicant must have satisfactorily passed an examination administered by the state director of fire protection. A certificate of competency holder can satisfy this examination requirement by presenting a copy of a current certificate of competency from the national institute for certification in engineering technologies showing that the applicant has achieved the classification of engineering technician level 3 or senior engineering technician level 4 in the field of fire protection, automatic sprinkler system layout. The state director of fire protection may accept equivalent proof of qualification in lieu of examination ~~((as recommended by the fire sprinkler advisory committee))~~. This examination requirement is mandatory except as otherwise provided in this chapter.

(2) Every applicant for a certificate of competency shall fulfill the requirements established by the state director of fire protection ~~((and the fire protection sprinkler system technical advisory committee))~~ under chapter 34.05 RCW.

(3) Every applicant for a certificate of competency shall make application to the state director of fire protection and pay the fees required.

(4) Provided the application for the certificate of competency is made prior to ninety days after May 1, 1991, the state director of fire protection, in lieu of the examination requirements of the applicant for a certificate of competency, may accept as satisfactory evidence of competency and qualification, affidavits attesting that the applicant has had a minimum of three years' experience.

(5) The state director of fire protection may ~~((after consultation with the fire sprinkler advisory committee,))~~ issue a temporary certificate of competency to an applicant who, in his or her judgment, will satisfactorily perform as a certificate of competency holder under the provisions of this chapter. The temporary certificate of competency shall remain in effect for a period of up to three years. The temporary certificate of competency holder shall, within the three-year period, complete the examination requirements specified in subsection (1) of this section. There shall be no examination exemption for an individual issued a temporary certificate of competency. Prior to the expiration of the three-year period, the temporary certificate of competency holder shall make application for a regular certificate of competency. The procedures and qualifications for issuance of a regular certificate of competency shall be applicable to the temporary certificate of competency holder. When a temporary certificate of competency expires, the holder shall cease all activities associated with the holding of a temporary certificate of competency, subject to the penalties contained in this chapter.

(6) To become a licensed fire protection sprinkler system contractor under this chapter, a person or firm must comply with the following:

(a) Must be or have in his or her full-time employ a holder of a valid certificate of competency;

(b) Comply with the minimum insurance requirements of this chapter; and

(c) Make application to the state director of fire protection for a license and pay the fees required.

(7) Each license and certificate of competency issued under this chapter must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business.

(8) All bids, advertisements, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's license number.

(9) A certificate of competency or license issued under this chapter is not transferable.

(10) In no case shall a certificate of competency holder be employed full time by more than one fire protection sprinkler system contractor at the same time. If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, he or she must notify the state director of fire protection within thirty days. If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, the contractor shall have six months or until the expiration of the current license, whichever occurs last, to submit a new application identifying another certificate of competency holder who is at the time of application an owner of the fire protection sprinkler system business or a full-time employee of the fire protection sprinkler system contractor, in order to be issued a new license. If such application is not received and a new license issued within the allotted time, the state director of fire protection shall revoke the license of the fire protection sprinkler system contractor.

EXPLANATORY NOTE

The section creating the fire sprinkler advisory committee, 1990 c 177 s 9, was vetoed by the governor.

Sec. 37. RCW 18.165.020 and 1995 c 277 s 18 are each amended to read as follows:

The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs investigations solely in connection with the affairs of that employer, if the employer is not a private investigator agency;

(2) An officer or employee of the United States or of this state or a political subdivision thereof, while engaged in the performance of the officer's official duties;

(3) A person engaged exclusively in the business of obtaining and furnishing information about the financial rating of persons;

(4) An attorney at law while performing the attorney's duties as an attorney;

(5) A licensed collection agency or its employee, while acting within the scope of that person's employment and making an investigation incidental to the business of the agency;

(6) Insurers, agents, and insurance brokers licensed by the state, while performing duties in connection with insurance transacted by them;

(7) A bank subject to the jurisdiction of the (~~Washington state banking commission~~) department of financial institutions or the comptroller of currency of the United States, or a savings and loan association subject to the jurisdiction of this state or the federal home loan bank board;

(8) A licensed insurance adjuster performing the adjuster's duties within the scope of the adjuster's license;

(9) A secured creditor engaged in the repossession of the creditor's collateral, or a lessor engaged in the repossession of leased property in which it claims an interest;

(10) A person who is a forensic scientist, accident reconstructionist, or other person who performs similar functions and does not hold himself or herself out to be an investigator in any other capacity; or

(11) A person solely engaged in the business of securing information about persons or property from public records.

EXPLANATORY NOTE

Powers, duties, and functions of the department of general administration relating to financial institutions were transferred to the department of financial institutions by 1993 c 472, effective October 1, 1993. See chapter 43.320 RCW.

Sec. 38. RCW 18.165.130 and 1995 c 277 s 31 are each amended to read as follows:

(1) A private investigator agency shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed private investigator or armed private investigator by returning the license to the department with the word (~~("terminated")~~) "terminated" written across the face of the license, the date of termination, and the signature of the principal of the private investigator company.

(2) A private investigator agency shall notify the director within seventy-two hours and the chief law enforcement officer of the county, city, or town in which the agency is located immediately upon receipt of information affecting a licensed private investigator's or armed private investigator's continuing eligibility to hold a license under the provisions of this chapter.

(3) A private investigator company shall notify the local law enforcement agency whenever an employee who is an armed private investigator discharges his or her firearm while on duty other than on a supervised firearm range. The notification shall be made within ten business days of the date the firearm is discharged.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 39. RCW 18.170.110 and 1995 c 277 s 8 are each amended to read as follows:

(1) A private security company shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed private security guard or armed private security guard by returning the license to the department with the word (~~("terminated")~~) "terminated" written across the face of the license, the date of termination, and the signature of the principal or the principal's designee of the private security guard company.

(2) A private security company shall notify the department within seventy-two hours and the chief law enforcement officer of the county, city, or town in which the private security guard or armed private security guard was last employed immediately upon receipt of information affecting his or her continuing eligibility to hold a license under the provisions of this chapter.

(3) A private security guard company shall notify the local law enforcement agency whenever an employee who is an armed private security guard discharges his or her firearm while on duty other than on a supervised firearm range. The notification shall be made within ten business days of the date the firearm is discharged.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 40. RCW 18.185.010 and 1996 c 242 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing.

(3) "Collateral or security" means property of any kind given as security to obtain a bail bond.

(4) "Bail bond agency" means a business that sells and issues corporate surety bail bonds or that provides security in the form of personal or real property to insure the appearance of a criminal defendant before the courts of this state or the United States.

(5) "Qualified agent" means an owner, sole proprietor, partner, manager, officer, or chief operating officer of a corporation who meets the requirements set forth in this chapter for obtaining a bail bond agency license.

(6) "Bail bond agent" means a person who is employed by a bail bond agency and engages in the sale or issuance of bail bonds, but does not mean a clerical, secretarial, or other support person who does not participate in the sale or issuance of bail bonds.

(7) "Licensee" means a bail bond agency or a bail bond agent or both.

(8) "Branch office" means any office physically separated from the principal place of business of the licensee from which the licensee or an employee or agents conduct any activity meeting the criteria of ~~((a))~~ a bail bond agency.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 41. RCW 18.205.030 and 1998 c 243 s 3 are each amended to read as follows:

No person may represent oneself as a certified chemical dependency professional or use any title or description of services of ~~((a))~~ a certified chemical dependency professional without applying for certification, meeting the required qualifications, and being certified by the department of health, unless otherwise exempted by this chapter.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 42. RCW 18.205.100 and 1998 c 243 s 10 are each amended to read as follows:

The secretary may establish by rule the standards and procedures for approval of educational programs and alternative training. The secretary may utilize or contract with individuals or organizations having expertise in the profession or in education to assist in the evaluations. The secretary shall establish by rule the standards and procedures for revocation of approval of ~~((education educational))~~ educational programs. The standards and procedures set shall apply equally to educational programs and training in the United States and in foreign jurisdictions. The secretary may establish a fee for educational program evaluations.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 43. RCW 19.02.110 and 1988 c 5 s 3 are each amended to read as follows:

In addition to the licenses processed under the master license system prior to April 1, 1982, on July 1, 1982, use of the master license system shall be expanded as provided by this section.

Applications for the following shall be filed with the business license center and shall be processed, and renewals shall be issued, under the master license system:

- (1) Nursery dealer's licenses required by chapter 15.13 RCW;
- (2) Seed dealer's licenses required by chapter 15.49 RCW;
- (3) Pesticide dealer's licenses required by chapter 15.58 RCW;
- (4) Shopkeeper's licenses required by chapter 18.64 RCW;
- (5) Refrigerated locker licenses required by chapter 19.32 RCW;
- (6) ~~((Wholesalers licenses and retailers licenses required by chapter 19.91 RCW;~~
- ~~(7))~~ Egg dealer's licenses required by chapter 69.25 RCW.

EXPLANATORY NOTE

Chapter 19.91 RCW was repealed by 1986 c 321 s 14, effective July 1, 1991.

Sec. 44. RCW 19.02.800 and 1982 c 182 s 17 are each amended to read as follows:

Except as provided in RCW 43.07.200, the provisions of this chapter regarding the processing of license applications and renewals under a master license system shall not apply to those business or professional activities that are licensed or regulated under chapter 31.04, (~~(31.08,)~~) 31.12, 31.12A, or 31.13 RCW or under Title 30, 32, 33, or 48 RCW.

EXPLANATORY NOTE

Chapter 31.08 RCW was repealed by 1991 c 208 s 24, effective January 1, 1993.

Sec. 45. RCW 19.27A.050 and 1985 c 144 s 5 are each amended to read as follows:

As used in this chapter, references to the state building code (~~(advisory)~~) council shall be construed to include any successor agency.

EXPLANATORY NOTE

The "state building code advisory council" was redesignated as the "state building code council" by 1985 c 360 s 11.

Sec. 46. RCW 19.28.015 and 1988 c 81 s 2 are each amended to read as follows:

Disputes arising under RCW 19.28.010(~~(2))~~ (3) regarding whether the city or town's electrical rules, regulations, or ordinances are equal to the rules adopted by the department shall be resolved by arbitration. The department shall appoint two members of the board to serve on the arbitration panel, and the city or town shall appoint two persons to serve on the arbitration panel. These four persons shall choose a fifth person to serve. If the four persons cannot agree on a fifth person, the presiding judge of the superior court of the county in which the city or town is located shall choose a fifth person. A decision of the arbitration panel may be appealed to the superior court of the county in which the city or town is located within thirty days after the date the panel issues its final decision.

EXPLANATORY NOTE

RCW 19.28.010 was reenacted and amended by 1992 c 79 s 2, changing subsection (2) to subsection (3).

Sec. 47. RCW 19.28.370 and 1980 c 30 s 17 are each amended to read as follows:

The provisions of RCW 19.28.010 through (~~(19.28.380))~~ 19.28.360 shall not apply to the work of installing, maintaining or repairing any and all electrical wires, apparatus, installations or equipment used or to be used by a telegraph company or a telephone company in the exercise of its functions and located outdoors or in a building or buildings used exclusively for that purpose.

EXPLANATORY NOTE

RCW 19.28.380 was repealed by 1986 c 156 s 18.

Sec. 48. RCW 19.30.200 and 1985 c 280 s 14 are each amended to read as follows:

Any person who knowingly uses the services of an unlicensed farm labor contractor shall be personally, jointly, and severally liable with the person acting as a farm labor contractor to the same extent and in the same manner as provided in this chapter. In making determinations under this (~~(subsection [section])~~) section, any user may rely upon either the license issued by the director to the farm labor contractor under RCW 19.30.030 or the director's representation that such contractor is licensed as required by this chapter.

EXPLANATORY NOTE

Corrects an inaccurate reference.

Sec. 49. RCW 19.32.150 and 1943 c 117 s 8 are each amended to read as follows:

The director of agriculture shall cause to be made periodically a thorough inspection of each establishment licensed under this chapter to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this chapter and of all other laws of this state applicable to the operation either of refrigerated lockers or of the handling of human food in connection therewith, and of all regulations effective under this chapter relative to such operation. Such inspection shall also be made of each vehicle used by ~~(([an]))~~ an operator of refrigerated lockers or of an establishment handling human food in connection therewith, when such vehicle is used in transporting or distributing human food products to or from refrigerated lockers within this state.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 50. RCW 19.34.020 and 1999 c 287 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Accept a certificate" means to manifest approval of a certificate, while knowing or having notice of its contents. Such approval may be manifested by the use of the certificate.

(2) "Accept a digital signature" means to verify a digital signature or take an action in reliance on a digital signature.

(3) "Asymmetric cryptosystem" means an algorithm or series of algorithms that provide a secure key pair.

(4) "Certificate" means a computer-based record that:

(a) Identifies the certification authority issuing it;

(b) Names or identifies its subscriber;

(c) Contains the subscriber's public key; and

(d) Is digitally signed by the certification authority issuing it.

(5) "Certification authority" means a person who issues a certificate.

(6) "Certification authority disclosure record" means an on-line, publicly accessible record that concerns a licensed certification authority and is kept by the secretary.

(7) "Certification practice statement" means a declaration of the practices that a certification authority employs in issuing certificates.

(8) "Certify" means to declare with reference to a certificate, with ample opportunity to reflect, and with a duty to apprise oneself of all material facts.

(9) "Confirm" means to ascertain through appropriate inquiry and investigation.

(10) "Correspond," with reference to keys, means to belong to the same key pair.

(11) "Digital signature" means an electronic signature that is a transformation of a message using an asymmetric cryptosystem such that a person having the initial message and the signer's public key can accurately determine:

(a) Whether the transformation was created using the private key that corresponds to the signer's public key; and

(b) Whether the initial message has been altered since the transformation was made.

(12) "Electronic" means electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(13) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(14) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record, including but not limited to a digital signature.

(15) "Financial institution" means a national or state-chartered commercial bank or trust company, savings bank, savings association, or credit union authorized to do business in the state of Washington and the deposits of which are federally insured.

(16) "Forge a digital signature" means either:

(a) To create a digital signature without the authorization of the rightful holder of the private key; or

(b) To create a digital signature verifiable by a certificate listing as subscriber a person who either:

(i) Does not exist; or

(ii) Does not hold the private key corresponding to the public key listed in the certificate.

(17) "Hold a private key" means to be authorized to utilize a private key.

(18) "Incorporate by reference" means to make one message a part of another message by identifying the message to be incorporated and expressing the intention that it be incorporated.

(19) "Issue a certificate" means the acts of a certification authority in creating a certificate and notifying the subscriber listed in the certificate of the contents of the certificate.

(20) "Key pair" means a private key and its corresponding public key in an asymmetric cryptosystem, keys which have the property that the public key can verify a digital signature that the private key creates.

(21) "Licensed certification authority" means a certification authority to whom a license has been issued by the secretary and whose license is in effect.

(22) "Message" means a digital representation of information.

(23) "Notify" means to communicate a fact to another person in a manner reasonably likely under the circumstances to impart knowledge of the information to the other person.

(24) "Official public business" means any legally authorized transaction or communication among state agencies, tribes, and local governments, or between a state agency, tribe, or local government and a private person or entity.

(25) "Operative personnel" means one or more natural persons acting as a certification authority or its agent, or in the employment of, or under contract with, a certification authority, and who have:

(a) Duties directly involving the issuance of certificates, ~~((or))~~ or creation of private keys;

(b) Responsibility for the secure operation of the trustworthy system used by the certification authority or any recognized repository;

(c) Direct responsibility, beyond general supervisory authority, for establishing or adopting policies regarding the operation and security of the certification authority; or

(d) Such other responsibilities or duties as the secretary may establish by rule.

(26) "Person" means a human being or an organization capable of signing a document, either legally or as a matter of fact.

(27) "Private key" means the key of a key pair used to create a digital signature.

(28) "Public key" means the key of a key pair used to verify a digital signature.

(29) "Publish" means to make information publicly available.

(30) "Qualified right to payment" means an award of damages against a licensed certification authority by a court having jurisdiction over the certification authority in a civil action for violation of this chapter.

(31) "Recipient" means a person who has received a certificate and a digital signature verifiable with reference to a public key listed in the certificate and is in a position to rely on it.

(32) "Recognized repository" means a repository recognized by the secretary under RCW 19.34.400.

(33) "Recommended reliance limit" means the monetary amount recommended for reliance on a certificate under RCW 19.34.280(1).

(34) "Repository" means a system for storing and retrieving certificates and other information relevant to digital signatures.

(35) "Revoke a certificate" means to make a certificate ineffective permanently from a specified time forward. Revocation is effected by notation or inclusion in a set of revoked certificates, and does not imply that a revoked certificate is destroyed or made illegible.

- (36) "Rightfully hold a private key" means the authority to utilize a private key:
- (a) That the holder or the holder's agents have not disclosed to a person in violation of RCW 19.34.240(1); and
 - (b) That the holder has not obtained through theft, deceit, eavesdropping, or other unlawful means.
- (37) "Secretary" means the secretary of state.
- (38) "Subscriber" means a person who:
- (a) Is the subject listed in a certificate;
 - (b) Applies for or accepts the certificate; and
 - (c) Holds a private key that corresponds to a public key listed in that certificate.
- (39) "Suitable guaranty" means either a surety bond executed by a surety authorized by the insurance commissioner to do business in this state, or an irrevocable letter of credit issued by a financial institution authorized to do business in this state, which, in either event, satisfies all of the following requirements:
- (a) It is issued payable to the secretary for the benefit of persons holding qualified rights of payment against the licensed certification authority named as the principal of the bond or customer of the letter of credit;
 - (b) It is in an amount specified by rule by the secretary under RCW 19.34.030;
 - (c) It states that it is issued for filing under this chapter;
 - (d) It specifies a term of effectiveness extending at least as long as the term of the license to be issued to the certification authority; and
 - (e) It is in a form prescribed or approved by rule by the secretary.
- A suitable guaranty may also provide that the total annual liability on the guaranty to all persons making claims based on it may not exceed the face amount of the guaranty.
- (40) "Suspend a certificate" means to make a certificate ineffective temporarily for a specified time forward.
- (41) "Time stamp" means either:
- (a) To append or attach a digitally signed notation indicating at least the date, time, and identity of the person appending or attaching the notation to a message, digital signature, or certificate; or
 - (b) The notation thus appended or attached.
- (42) "Transactional certificate" means a valid certificate incorporating by reference one or more digital signatures.
- (43) "Trustworthy system" means computer hardware and software that:
- (a) Are reasonably secure from intrusion and misuse; and
 - (b) Conform with the requirements established by the secretary by rule.
- (44) "Valid certificate" means a certificate that:
- (a) A licensed certification authority has issued;
 - (b) The subscriber listed in it has accepted;
 - (c) Has not been revoked or suspended; and
 - (d) Has not expired.
- However, a transactional certificate is a valid certificate only in relation to the digital signature incorporated in it by reference.
- (45) "Verify a digital signature" means, in relation to a given digital signature, message, and public key, to determine accurately that:
- (a) The digital signature was created by the private key corresponding to the public key; and
 - (b) The message has not been altered since its digital signature was created.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 51. RCW 19.34.250 and 1999 c 287 s 13 are each amended to read as follows:

(1) Unless the certification authority provides otherwise in the certificate or its certification practice statement, the licensed certification authority that issued a certificate that is not a transactional certificate must suspend the certificate for a period not to exceed five business days:

(a) Upon request by a person whom the certification authority reasonably believes to be: (i) The subscriber named in the certificate; (ii) a person duly authorized to act for that subscriber; or (iii) a person acting on behalf of the unavailable subscriber; or

(b) By order of the secretary under RCW 19.34.210(~~(5)~~) (7).

The certification authority need not confirm the identity or agency of the person requesting suspension. The certification authority may require the person requesting suspension to provide evidence, including a statement under oath or affirmation, regarding the requestor's identity, authorization, or the unavailability of the subscriber. Law enforcement agencies may investigate suspensions for possible wrongdoing by persons requesting suspension.

(2) Unless the certification authority provides otherwise in the certificate or its certification practice statement, the secretary may suspend a certificate issued by a licensed certification authority for a period not to exceed five business days, if:

(a) A person identifying himself or herself as the subscriber named in the certificate, a person authorized to act for that subscriber, or a person acting on behalf of that unavailable subscriber (~~((requests suspension))~~) requests suspension; and

(b) The requester represents that the certification authority that issued the certificate is unavailable.

The secretary may require the person requesting suspension to provide evidence, including a statement under oath or affirmation, regarding his or her identity, authorization, or the unavailability of the issuing certification authority, and may decline to suspend the certificate in its discretion. Law enforcement agencies may investigate suspensions by the secretary for possible wrongdoing by persons requesting suspension.

(3) Immediately upon suspension of a certificate by a licensed certification authority, the licensed certification authority must give notice of the suspension according to the specification in the certificate. If one or more repositories are specified, then the licensed certification authority must publish a signed notice of the suspension in all the repositories. If a repository no longer exists or refuses to accept publication, or if no repository is recognized under RCW 19.34.400, the licensed certification authority must also publish the notice in a recognized repository. If a certificate is suspended by the secretary, the secretary must give notice as required in this subsection for a licensed certification authority, provided that the person requesting suspension pays in advance any fee required by a repository for publication of the notice of suspension.

(4) A certification authority must terminate a suspension initiated by request only:

(a) If the subscriber named in the suspended certificate requests termination of the suspension, the certification authority has confirmed that the person requesting suspension is the subscriber or an agent of the subscriber authorized to terminate the suspension; or

(b) When the certification authority discovers and confirms that the request for the suspension was made without authorization by the subscriber. However, this subsection (4)(b) does not require the certification authority to confirm a request for suspension.

(5) The contract between a subscriber and a licensed certification authority may limit or preclude requested suspension by the certification authority, or may provide otherwise for termination of a requested suspension. However, if the contract limits or precludes suspension by the secretary when the issuing certification authority is unavailable, the limitation or preclusion is effective only if notice of it is published in the certificate.

(6) No person may knowingly or intentionally misrepresent to a certification authority his or her identity or authorization in requesting suspension of a certificate. Violation of this subsection is a gross misdemeanor.

(7) The secretary may authorize other state or local governmental agencies to perform any of the functions of the secretary under this section upon a regional basis. The authorization must be formalized by an agreement under chapter 39.34 RCW. The secretary may provide by rule the terms and conditions of the regional services.

(8) A suspension under this section must be completed within twenty-four hours of receipt of all information required in this section.

EXPLANATORY NOTE

RCW 19.34.210 was amended by 1999 c 287 s 11, changing subsection (5) to subsection (7). Also corrects an apparent drafting error.

Sec. 52. RCW 19.34.901 and 1997 c 27 s 28 are each amended to read as follows:

(1) Sections (~~(1-101)~~) 101 through 601, 604, and 605, chapter 250, Laws of 1996 take effect January 1, 1998.

(2) Sections 602 and 603, chapter 250, Laws of 1996 take effect July 27, 1997.

EXPLANATORY NOTE

Corrects a manifest drafting error.

Sec. 53. RCW 19.36.100 and 1990 c 211 s 1 are each amended to read as follows:

"Credit agreement" means an agreement, promise, or commitment to lend money, to otherwise extend credit, to forbear with respect to the repayment of any debt or the exercise of any remedy, to modify or amend the terms under which the creditor has lent money or otherwise extended credit, to release any guarantor or (~~(co)signer~~) cosigner, or to make any other financial accommodation pertaining to a debt or other extension of credit.

EXPLANATORY NOTE

Corrects an apparent typographical error.

Sec. 54. RCW 19.40.071 and 1987 c 444 s 7 are each amended to read as follows:

(a) In an action for relief against a transfer or obligation under this chapter, a creditor, subject to the limitations in RCW 19.40.081, may obtain:

(1) Avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;

(2) An attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with the procedure prescribed by chapter (~~(7-12)~~) 6.25 RCW;

(3) Subject to applicable principles of equity and in accordance with applicable rules of civil procedure:

(i) An injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

(ii) Appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(iii) Any other relief the circumstances may require.

(b) If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

EXPLANATORY NOTE

Chapter 7.12 RCW was recodified by 1987 c 442 s 1121. Of the thirty-two sections that previously comprised chapter 7.12 RCW, twenty-four sections were recodified in chapter 6.25 RCW, seven sections were repealed, and one section was recodified in chapter 6.17 RCW.

Sec. 55. RCW 19.56.010 and 1890 p 460 s 1 are each amended to read as follows:

Whenever any person, company or corporation owning or controlling any newspaper or periodical of any kind, or whenever any editor or proprietor of any such newspaper or periodical shall mail or send any such newspaper or periodical to any person or persons in this state without first receiving an order for said newspaper or periodical from such person or persons to whom said newspaper or periodical is mailed or sent, ~~((fit))~~ it shall be deemed to be a gift, and no debt or obligation shall accrue against such person or persons, whether said newspaper or periodical is received by the person or persons to whom it is sent or not.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 56. RCW 19.60.085 and 1985 c 70 s 2 are each amended to read as follows:

The provisions of this chapter do not apply to transactions conducted by the following:

- (1) Motor vehicle dealers licensed under chapter 46.70 RCW;
- (2) ~~((Motor))~~ Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;
- (3) Persons giving an allowance for the trade-in or exchange of second-hand property on the purchase of other merchandise of the same kind of greater value; and
- (4) Persons in the business of buying or selling empty food and beverage containers or metal or nonmetal junk.

EXPLANATORY NOTE

"Motor vehicle wrecker" redesignated "vehicle wrecker" by 1995 c 256.

Sec. 57. RCW 19.68.040 and 1949 c 204 s 4 are each amended to read as follows:

It is the intent of this ~~((article [chapter]))~~ chapter, and this ~~((article [chapter]))~~ chapter shall be so construed, that persons so licensed shall only be authorized by law to charge or receive compensation for professional services rendered if such services are actually rendered by the licensee and not otherwise: PROVIDED, HOWEVER, That it is not intended to prohibit two or more licensees who practice their profession as copartners to charge or collect compensation for any professional services by any member of the firm, or to prohibit a licensee who employs another licensee to charge or collect compensation for professional services rendered by the employee licensee.

EXPLANATORY NOTE

Corrects an inaccurate reference.

Sec. 58. RCW 19.72.040 and 1987 c 202 s 186 are each amended to read as follows:

In case such bond or recognizance is given in any action or proceeding commenced or pending in any court, the judge or clerk of any court of record or district court, or any party to the action or proceeding for the security or protection of which such bond or recognizance is made may, upon notice, require any of such sureties to attend before the judge at a time and place specified and to be examined under oath touching the surety's qualifications both as to residence and property as such surety, in such manner as the judge, in the judge's discretion, may think proper. If the party demanding the examination require it, the examination shall be reduced to writing and subscribed by the surety. If the judge ~~((finds))~~ finds the surety possesses the requisite qualifications and property, the judge shall endorse the allowance thereof on the bond or recognizance, and cause it to be filed as provided by law, otherwise it shall be of no effect.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 59. RCW 19.80.065 and 1984 c 130 s 8 are each amended to read as follows:
RCW 42.17.260(~~(5)~~) (9) does not apply to registrations made under this chapter.

EXPLANATORY NOTE

RCW 42.17.260 was amended by 1989 c 175 s 36, changing subsection (5) to subsection (6). RCW 42.17.260 was subsequently amended by 1992 c 139 s 3, changing subsection (6) to subsection (7). RCW 42.17.260 was subsequently amended by 1995 c 341 s 1, changing subsection (7) to subsection (9).

Sec. 60. RCW 19.85.030 and 1995 c 403 s 402 are each amended to read as follows:

(1) In the adoption of a rule under chapter 34.05 RCW, an agency shall prepare a small business economic impact statement: (a) If the proposed rule will impose more than minor costs on businesses in an industry; or (b) if requested to do so by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320. However, if the agency has completed the pilot rule process as defined by RCW 34.05.313 before filing the notice of a proposed rule, the agency is not required to prepare a small business economic impact statement.

An agency shall prepare the small business economic impact statement in accordance with RCW 19.85.040, and file it with the code reviser along with the notice required under RCW 34.05.320. An agency shall file a statement prepared at the request of the joint administrative rules review committee with the code reviser upon its completion before the adoption of the rule. An agency shall provide a copy of the small business economic impact statement to any person requesting it.

~~((An agency may request assistance from the business assistance center in the preparation of the small business economic impact statement.))~~

~~(2) ((The business assistance center shall develop guidelines to assist agencies in determining whether a proposed rule will impose more than minor costs on businesses in an industry and therefore require preparation of a small business economic impact statement. The business assistance center may review an agency determination that a proposed rule will not impose such costs, and shall advise the joint administrative rules review committee on disputes involving agency determinations under this section.~~

~~(3))~~ Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- (b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- (c) Reducing the frequency of inspections;
- (d) Delaying compliance timetables;
- (e) Reducing or modifying fine schedules for noncompliance; or
- (f) Any other mitigation techniques.

EXPLANATORY NOTE

The business assistance center and its powers and duties were terminated June 30, 1995. See 1993 c 280 ss 80 and 81.

Sec. 61. RCW 19.94.258 and 1995 c 355 s 15 are each amended to read as follows:

(1) Except as authorized by the department, a service agent who intends to provide the examination that permits a weighing or measuring instrument or device to be placed back into commercial service under RCW 19.94.255(3) shall receive an official registration certificate from the director prior to performing such a service. This registration requirement does not apply to the department or a city sealer.

(2) Except as provided in RCW ((19.94.035)) 19.94.2584, a registration certificate is valid for one year. It may be renewed by submitting a request for renewal to the department.

EXPLANATORY NOTE

RCW 19.94.035 was recodified as RCW 19.94.2584 pursuant to RCW 1.08.015(2)(k), September 1996.

Sec. 62. RCW 19.94.2584 and 1995 c 355 s 17 are each amended to read as follows:

(1) The department shall have the power to revoke, suspend, or refuse to renew the official registration certificate of any service agent for any of the following reasons:

- (a) Fraud or deceit in obtaining an official registration certificate under this chapter;
- (b) A finding by the department of a pattern of intentional fraudulent or negligent activities in the installation, inspection, testing, checking, adjusting, or systematically standardizing and approving the graduations of any weighing or measuring instrument or device;
- (c) Knowingly placing back into commercial service any weighing or measuring instrument or device that is incorrect;
- (d) A violation of any provision of this chapter; or
- (e) Conviction of a crime or an act constituting a crime under the laws of this state, the laws of another state, or federal law.

(2) Upon the department's revocation of, suspension of, or refusal to ((renewal-[renew])) renew an official registration certificate, an individual shall have the right to appeal this decision in accordance with the administrative procedure act, chapter 34.05 RCW.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 63. RCW 19.94.310 and 1992 c 237 s 21 are each amended to read as follows:

(1) The governing body of each city for which a city sealer has been appointed as provided for by RCW 19.94.280 shall:

(a) Procure at the expense of the city the official weights and measures standards and any field weights and measures standards necessary for the administration and enforcement of the provisions of this chapter or any rule that may be prescribed by the director;

(b) Provide a suitable office for the city sealer and any deputies that have been duly appointed; and

(c) Make provision for the necessary clerical services, supplies, transportation and for defraying contingent expenses incidental to the official activities of the city sealer and his or her deputies in carrying out the provisions of this chapter.

(2) When the acquisition of the official weights and measures standards required under subsection (1)(a) of this section has been made and such weights and measures standards have been examined and approved by the director, they shall be the certified weights and measures standards for such city.

(3) In order to maintain field weights and ((measure[s])) measures standards in accurate condition, the city sealer shall, at least once every two years, compare the field weights and measures standards used within his or her city to the certified weights and measures standards of such city or to the official weights and measures standards of this state.

EXPLANATORY NOTE

Corrects a manifest typographical error.

Sec. 64. RCW 19.94.390 and 1995 c 355 s 20 are each amended to read as follows:

(1) Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented

in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, (~~poster [posted]~~) posted or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

(2) The examination procedure recommended for price verification by the price verification working group of the laws and regulations committee of the national conference on weights and measures (as reflected in the fourth draft, dated November 1, 1994) for devices such as electronic scanners shall govern such examinations conducted under this chapter. The procedure shall be deemed to be adopted under this chapter. However, the department may revise the procedure as follows: The department shall provide notice of and conduct a public hearing pursuant to chapter 34.05 RCW to determine whether any revisions to this procedure made by the national institute of standards and technology or its successor organization for incorporating the examination procedure into an official handbook of the institute or its successor, or any subsequent revisions of the handbook regarding such procedures shall also be adopted under this chapter. If the department determines that the procedure should be so revised, it may adopt the revisions. Violations of this section regarding the use of devices such as electronic scanners may be found only as provided by the examination procedures adopted by or under this subsection.

(3) Electronic scanner screens installed after January 1, 1996, and used in retail establishments must be visible to the consumer at the checkout line.

EXPLANATORY NOTE

Corrects a manifest typographical error.

Sec. 65. RCW 19.94.505 and 1992 c 237 s 34 are each amended to read as follows:

(1) It is unlawful for any dealer (~~(or service station)~~), as (~~both are~~) defined in RCW 82.36.010, to sell ethanol and/or methanol at one percent, by volume, or greater in gasoline for use as motor vehicle fuel unless the dispensing device has a label stating the type and maximum percentage of alcohol contained in the motor vehicle fuel.

(2) In any county, city, or other political subdivision designated as a carbon monoxide nonattainment area pursuant to the provisions of subchapter I of the clean air act amendments of 1990, P.L. 101-549, and in which the sale of oxygenated petroleum products is required by section 211(m) of the clean air act amendments of 1990, 42 U.S.C. 7545(m), any dealer (~~(or service station)~~), as (~~both are~~) defined in RCW 82.36.010, who sells or dispenses a petroleum product that contains at least one percent, by volume, ethanol, methanol, or other oxygenate, shall post only such label or notice as may be required pursuant to 42 U.S.C. 7545(m)(4) or any amendments thereto or any successor provision thereof. This provision shall be applicable only during such portion of the year as oxygenated petroleum product sales are required pursuant to 42 U.S.C. 7545(m).

(3) Any person who violates this section is subject to a civil penalty of no more than five hundred dollars.

EXPLANATORY NOTE

RCW 82.36.010 was amended by 1998 c 176 s 6, deleting the definition of "service station."

Sec. 66. RCW 19.98.020 and 1975 1st ex.s. c 277 s 2 are each amended to read as follows:

All repurchase payments to retailers and sellers made pursuant to RCW 19.98.010 shall be less amounts owed on any lien or claim than outstanding upon such items covered by this section. Any wholesaler, manufacturer, or distributor making repurchase payments covered by this chapter to any retailer or seller shall satisfy such secured liens or claims pursuant to (~~(chapter [article])~~) Article 62A.9 RCW less any interest owed to the lienholder arising from the financing of such items which shall be

paid to any such secured lienholder by the retailer or seller. In no case shall the wholesaler, manufacturer, or distributor, in making payments covered by RCW 19.98.010, pay in excess of those amounts prescribed therein.

EXPLANATORY NOTE

Corrects an inaccurate reference.

Sec. 67. RCW 19.98.110 and 1990 c 124 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 19.98.100 through 19.98.150 and 19.98.911:

(1) "Equipment" means machinery consisting of a framework, various fixed and moving parts, driven by an internal combustion engine, and all other implements associated with this machinery that are designed for or adapted and used for agriculture, horticulture, livestock, or grazing use.

(2) "Equipment dealer" or "equipment dealership" means any person, partnership, corporation, association, or other form of business enterprise, primarily engaged in retail sale or service of equipment in this state, pursuant to any oral or written agreement for a definite or indefinite period of time in which there is a continuing commercial relationship in the marketing of the equipment or related services, but does not include dealers covered by chapter 46.70 or 46.94 RCW.

(3) "Supplier" means the manufacturer, wholesaler, or distributor of the equipment to be sold by the equipment dealer.

(4) "Dealer agreement" means a contract or agreement, either expressed or implied, whether oral or written, between a supplier and an equipment dealer, by which the equipment dealer is granted the right to sell, distribute, or service the supplier's equipment where there is a continuing commercial relationship between the supplier and the equipment dealer.

(5) "Continuing commercial relationship" means any relationship in which the equipment dealer has been granted the right to sell or service equipment manufactured by ~~((the))~~ the supplier.

(6) "Good cause" means failure by an equipment dealer to substantially comply with essential and reasonable requirements imposed upon the equipment dealer by the dealer agreement, provided such requirements are not different from those requirements imposed on other similarly situated equipment dealers in the state either by their terms or in the manner of their enforcement.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 68. RCW 19.105.330 and 1988 c 159 s 5 are each amended to read as follows:

~~((1))~~ (1) Unless an order denying effectiveness under RCW 19.105.380 is in effect, or unless declared effective by order of the director prior thereto, the application for registration shall automatically become effective upon the expiration of the twentieth full business day following a filing with the director in complete and proper form, but an applicant may consent to the delay of effectiveness until such time as the director may by order declare registration effective or issue a permit to market.

(2) An application for registration, renewal of registration, or amendment is not in completed form and shall not be deemed a statutory filing until such time as all required fees, completed application forms, and the information and documents required pursuant to RCW 19.105.320(1) and departmental rules have been filed.

It is the operator's responsibility to see that required filing materials and fees arrive at the appropriate mailing address of the department. Within seven business days, excluding the date of receipt, of receiving an application or initial request for registration and the filing fees, the department shall notify the applicant of receipt of the application and whether or not the application is complete and in proper form. If the application is incomplete, the department shall at the same time inform the applicant what additional documents or information is required.

If the application is not in a completed form, the department shall give immediate notice to the applicant. On the date the application is complete and properly filed, the statutory period for an in-depth examination of the filing, prescribed in subsection (1) of this section, shall begin to run, unless the applicant and the department have agreed to a stay of effectiveness or the department has issued a denial of the application or a permit to market.

EXPLANATORY NOTE

Corrects a manifest clerical error.

Sec. 69. RCW 19.105.470 and 1988 c 159 s 23 are each amended to read as follows:

(1) Whenever it appears to the director that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter, any withdrawal of a camping resort property in violation of RCW 19.105.380(~~((1)(j))~~) (1)(q), or any rule, order, or permit issued under this chapter, the director may in his or her discretion issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. However, the director may issue a temporary order pending the hearing which shall be effective immediately upon delivery to the person affected and which shall remain in effect until ten days after the hearing is held and which shall become final if the person to whom notice is addressed does not request a hearing within fifteen days after receipt of notice.

(2) If it appears necessary in order to protect the interests of members and purchasers, whether or not the director has issued a cease and desist order, the attorney general in the name of the state, the director, the proper prosecuting attorney, an affiliated members' common-interest association, or a group of members as a class, may bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule, order, or permit under this chapter. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant, for the defendant's assets, or to protect the interests or assets of a members' common-interest association or the members of a camping resort as a class. The state, the director, a members' common-interest association, or members as a class shall not be required to post a bond in such proceedings.

EXPLANATORY NOTE

The reference to RCW 19.105.380(1)(j) appears to be erroneous. Before March 20, 1988, the reference was to RCW 19.105.380(9). Chapter 159, Laws of 1988 placed the text of RCW 19.105.380(9) in RCW 19.105.380(1)(q), effective March 20, 1988.

Sec. 70. RCW 19.116.030 and 1990 c 44 s 4 are each amended to read as follows:

Unlawful subleasing or unlawful transfer of an ownership interest in motor vehicles (~~(are [is])~~) is not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act in trade or commerce for the purpose of applying the consumer protection act, chapter 19.86 RCW.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 71. RCW 19.116.050 and 1990 c 44 s 6 are each amended to read as follows:

A dealer engages in an act of unlawful transfer of ownership interest in motor vehicles when all of the following circumstances are met:

(1) The dealer does not pay off any balance due to the secured party on a vehicle acquired by the dealer, no later than the close of the second business day after the acquisition date of the vehicle; and

(2) The dealer does not obtain a certificate of ownership under RCW (~~46.12.140~~) 46.70.124 for each used vehicle kept in his or her possession unless that certificate is in the possession of the person holding a security interest in the dealer's inventory; and

(3) The dealer does not transfer the certificate of ownership after the transferee has taken possession of the motor vehicle.

EXPLANATORY NOTE

RCW 46.12.140 was recodified as RCW 46.70.124 pursuant to 1993 c 307 s 18.

Sec. 72. RCW 19.120.080 and 1986 c 320 s 9 are each amended to read as follows:

Without limiting the other provisions of this chapter, the following specific rights and prohibitions shall govern the relation between the motor fuel refiner-supplier and the motor fuel retailers:

(1) The parties shall deal with each other in good faith.

(2) For the purposes of this chapter and without limiting its general application, it shall be an unfair or deceptive act or practice or an unfair method of competition and therefore unlawful and a violation of this chapter for any person to:

(a) Require a motor fuel retailer to purchase or lease goods or services of the motor fuel refiner-supplier or from approved sources of supply unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition: PROVIDED, That this provision shall not apply to the initial inventory of the motor fuel franchise. In determining whether a requirement to purchase or lease goods or services constitutes an unfair or deceptive act or practice or an unfair method of competition the courts shall be guided by the decisions of the courts of the United States interpreting and applying the anti-trust laws of the United States.

(b) Discriminate between motor fuel retailers in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that any classification of or discrimination between motor fuel retailers is reasonable, is based on motor fuel franchises granted at materially different times and such discrimination is reasonably related to such difference in time or on other proper and justifiable distinctions considering the purposes of this chapter, and is not arbitrary.

(c) Sell, rent, or offer to sell to a motor fuel retailer any product or service for more than a fair and reasonable price.

(d) Require (~~(f4)~~) a motor fuel retailer to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this chapter.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 73. RCW 19.138.021 and 1996 c 180 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

(2) "Director" means the director of licensing or the director's designee.

(3) "Seller of travel" means a person, firm, or corporation both inside and outside the state of Washington, who transacts business with Washington consumers for travel services.

(a) "Seller of travel" includes a travel agent and any person who is an independent contractor or outside agent for a travel agency or other seller of travel whose principal duties include consulting with and advising persons concerning travel arrangements or accommodations in the conduct or

administration of its business. If a seller of travel is employed by a seller of travel who is registered under this chapter, the employee need not also be registered.

(b) "Seller of travel" does not include:

(i) An air carrier;

(ii) An owner or operator of a vessel, including an ocean common carrier as defined in 46 U.S.C. App. 1702(18), an owner or charterer of a vessel that is required to establish its financial responsibility in accordance with the requirements of the federal maritime commission, 46 U.S.C. App. 817 (e), and a steamboat company (~~as defined in RCW 84.12.200~~) whether or not operating over and upon the waters of this state;

(iii) A motor carrier;

(iv) A rail carrier;

(v) A charter party carrier of passengers as defined in RCW 81.70.020;

(vi) An auto transportation company as defined in RCW 81.68.010;

(vii) A hotel or other lodging accommodation;

(viii) An affiliate of any person or entity described in (i) through (vii) of this subsection (3)(b) that is primarily engaged in the sale of travel services provided by the person or entity. For purposes of this subsection (3)(b)(viii), an "affiliate" means a person or entity owning, owned by, or under common ownership, with "owning," "owned," and "ownership" referring to equity holdings of at least eighty percent;

(ix) Direct providers of transportation by air, sea, or ground, or hotel or other lodging accommodations who do not book or arrange any other travel services.

(4) "Travel services" includes transportation by air, sea, or ground, hotel or any lodging accommodations, package tours, or vouchers or coupons to be redeemed for future travel or accommodations for a fee, commission, or other valuable consideration.

(5) "Advertisement" includes, but is not limited to, a written or graphic representation in a card, brochure, newspaper, magazine, directory listing, or display, and oral, written, or graphic representations made by radio, television, or cable transmission that relates to travel services.

(6) "Transacts business with Washington consumers" means to directly offer or sell travel services to Washington consumers, including the placement of advertising in media based in the state of Washington or that is primarily directed to Washington residents. Advertising placed in national print or electronic media alone does not constitute "transacting business with Washington consumers." Those entities who only wholesale travel services are not "transacting business with Washington consumers" for the purposes of this chapter.

EXPLANATORY NOTE

RCW 84.12.200 was amended by 1998 c 335 s 1, removing the definition of steamboat company.

Sec. 74. RCW 19.146.260 and 1997 c 106 s 18 are each amended to read as follows:

Every licensed mortgage broker that does not maintain a physical office within the state must maintain a registered agent within the state to receive service of any lawful process in any judicial or administrative noncriminal suit, action, or proceeding against the licensed mortgage broker which arises under this chapter or any rule or order under this chapter, with the same force and validity as if served personally on the licensed mortgage broker. Service upon the registered agent shall not be effective unless the plaintiff, who may be the director in a suit, action, or proceeding instituted by him or her, no later than the next business day sends notice of the service and a copy of the process by registered mail to the defendant or respondent at the last address of the respondent or defendant on file with the director. In any judicial action, suit, or proceeding arising under this chapter or any rule or order adopted under this chapter between the department or director and a licensed mortgage broker who does not maintain a physical office in this state, venue shall be exclusively in the superior court of ~~(the [of])~~ Thurston county.

EXPLANATORY NOTE

Corrects a manifest grammatical error.

Sec. 75. RCW 19.166.090 and 1991 c 128 s 9 are each amended to read as follows:

Any person who violates any provision of this chapter or who willfully and knowingly gives false or incorrect information to the secretary (~~(of state))~~ of state, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified, is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

EXPLANATORY NOTE

Clarifies that the reference is to the secretary of state.

Sec. 76. RCW 19.174.020 and 1993 c 324 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Access area" means a paved walkway or sidewalk that is within fifty feet of an automated teller machine or night deposit facility. "Access area" does not include publicly maintained sidewalks or roads.

(2) "Access device" means:

(a) "Access device" as defined in federal reserve board Regulation E, 12 C.F.R. Part 205, promulgated under the Electronic Fund Transfer Act, 15 U.S.C. Sec. 1601, et seq.; or

(b) A key or other mechanism issued by a banking institution to its customer to give the customer access to the banking institution's night deposit facility.

(3) "Automated teller machine" means an electronic information processing device located in this state that accepts or dispenses cash in connection with a credit, deposit, or convenience account. (~~("Automatic [automated])~~) "Automated teller machine" does not include a device used primarily to facilitate check guarantees or check authorizations, used in connection with the acceptance or dispensing of cash on a person-to-person basis such as by a store cashier, or used for payment of goods and services.

(4) "Banking institution" means a state or federally chartered bank, trust company, savings bank, savings and loan association, and credit union.

(5) "Candle-foot power" means a light intensity of candles on a horizontal plane at thirty-six inches above ground level and five feet in front of the area to be measured.

(6) "Control of an access area or defined parking area" means to have the present authority to determine how, when, and by whom it is to be used, and how it is to be maintained, lighted, and landscaped.

(7) "Defined parking area" means that portion of a parking area open for customer parking that is:

(a) Contiguous to an access area with respect to an automated teller machine or night deposit facility;

(b) Regularly, principally, and lawfully used for parking by users of the automated teller machine or night deposit facility while conducting transactions during hours of darkness; and

(c) Owned or leased by the operator of the automated teller machine or night deposit facility or owned or controlled by the party leasing the automated teller machine or night deposit facility site to the operator. "Defined parking area" does not include a parking area that is not open or regularly used for parking by users of the automated teller machine or night deposit facility who are conducting transactions during hours of darkness. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed. If a multiple level parking area satisfies the conditions of this subsection (7)(c) and would therefore otherwise be a defined parking area, only the single parking level deemed by the operator of the automated teller machine and night deposit facility to be the most directly accessible to the users of the automated teller machine and night deposit facility is a defined parking area.

(8) "Hours of darkness" means the period that commences thirty minutes after sunset and ends thirty minutes before sunrise.

(9) "Night deposit facility" means a receptacle that is provided by a banking institution for the use of its customers in delivering cash, checks, and other items to the banking institution.

(10) "Operator" means a banking institution or other business entity or a person who operates an automated teller machine or night deposit facility.

EXPLANATORY NOTE

Corrects a manifest drafting error.

NEW SECTION. **Sec. 77.** The following acts or parts of acts are each repealed:

- (1) RCW 18.08.150 (Application for examination--Fee) and 1985 c 7 s 5;
- (2) RCW 18.08.190 (Expiration of certificate--Renewal--Fee--Withdrawal of registrant) and 1985 c 7 s 6;
- (3) RCW 18.08.220 (Reinstatement of certificate--Replacement of lost or destroyed certificate, charge) and 1985 c 7 s 7;
- (4) RCW 18.25.050 (Revocation or refusal of licenses--Hearing--Restoration) and 1985 c 7 s 16;
- (5) RCW 18.32.326 (Identification of dental prostheses--Technical assistance);
- (6) RCW 18.45.010 (Definitions) and 1979 c 141 s 27;
- (7) RCW 18.45.020 (Administration of chapter) and 1979 c 141 s 28;
- (8) RCW 18.45.440 (Inspection of premises, records, materials--Powers of secretary) and 1979 c 141 s 29;
- (9) RCW 18.45.450 (Condemnation of articles, materials--Grounds--Disposition) and 1979 c 141 s 30;
- (10) RCW 18.45.470 (Condemned articles--Failure to relinquish--Penalty) and 1979 c 141 s 31; and
- (11) RCW 18.90.010 (Definitions) and 1979 c 158 s 70.

EXPLANATORY NOTE

RCW 18.08.150 was amended by 1985 c 7 s 5 without reference to its repeal by 1985 c 37 s 18. Repealing this section removes the decodified section from the code.

RCW 18.08.190 was amended by 1985 c 7 s 6 without reference to its repeal by 1985 c 37 s 18. Repealing this section removes the decodified section from the code.

RCW 18.08.220 was amended by 1985 c 7 s 7 without reference to its repeal by 1985 c 37 s 18. Repealing this section removes the decodified section from the code.

RCW 18.25.050 was amended by 1985 c 7 s 16 without reference to its repeal by 1986 c 259 s 27. Repealing this section removes the decodified section from the code.

RCW 18.32.326 was both recodified and repealed during the 1989 legislative sessions, each without reference to the other. Repealing this section removes the decodified section from the code.

RCW 18.45.010 was amended by 1979 c 141 s 27 without reference to its repeal by 1979 c 99 s 1, effective June 30, 1982. Repealing this section removes the decodified section from the code.

RCW 18.45.020 was amended by 1979 c 141 s 28 without reference to its repeal by 1979 c 99 s 51, effective June 30, 1982. Repealing this section removes the decodified section from the code.

RCW 18.45.440 was amended by 1979 c 141 s 29 without reference to its repeal by 1979 c 99 s 51, effective June 30, 1982. Repealing this section removes the decodified section from the code.

RCW 18.45.450 was amended by 1979 c 141 s 30 without reference to its repeal by 1979 c 99 s 51, effective June 30, 1982. Repealing this section removes the decodified section from the code.

RCW 18.45.470 was amended by 1979 c 141 s 31 without reference to its repeal by 1979 c 99 s 51, effective June 30, 1982. Repealing this section removes the decodified section from the code.

RCW 18.90.010 was amended by 1979 c 158 s 70 without reference to its repeal by 1979 c 99 s 60, effective June 30, 1982. Repealing this section removes the decodified section from the code."

On page 1, line 2 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 18.04.295, 18.04.105, 18.20.010, 18.22.040, 18.25.0151, 18.25.0196, 18.25.0197, 18.25.190, 18.27.270, 18.39.010, 18.39.510, 18.44.241, 18.44.261, 18.44.271, 18.44.281, 18.44.291, 18.44.450, 18.48.060, 18.53.040, 18.57.174, 18.57A.060, 18.64.430, 18.71.017, 18.74.012, 18.88A.140, 18.104.020, 18.106.180, 18.106.250, 18.130.172, 18.135.060, 18.145.010, 18.155.010, 18.155.020, 18.155.030, 18.160.030, 18.160.040, 18.165.020, 18.165.130, 18.170.110, 18.185.010, 18.205.030, 18.205.100, 19.02.110, 19.02.800, 19.27A.050, 19.28.015, 19.28.370, 19.30.200, 19.32.150, 19.34.020, 19.34.250, 19.34.901, 19.36.100, 19.40.071, 19.56.010, 19.60.085, 19.68.040, 19.72.040, 19.80.065, 19.85.030, 19.94.258, 19.94.2584, 19.94.310, 19.94.390, 19.94.505, 19.98.020, 19.98.110, 19.105.330, 19.105.470, 19.116.030, 19.116.050, 19.120.080, 19.138.021, 19.146.260, 19.166.090, and 19.174.020; and repealing RCW 18.08.150, 18.08.190, 18.08.220, 18.25.050, 18.32.326, 18.45.010, 18.45.020, 18.45.440, 18.45.450, 18.45.470, and 18.90.010."

and the same are herewith transmitted.

Tony M. Cook, Secretary

POINT OF ORDER

Representative Carrell requested a Scope & Object ruling on the Senate amendments to House Bill No. 2400.

There being no objection, the House deferred action on House Bill 2400.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., Tuesday, March 7, 2000, the 58th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTY SEVENTH DAY, MARCH 6, 2000

JOURNAL OF THE HOUSE

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

FIFTY EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 7, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Josh McBride and Kate Whitmore. Prayer was offered by Pastor Jerry Goebel, United Methodist Church, Granger.

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

MESSAGES FROM THE SENATE

March 6, 2000

Mr. Speaker:

The Senate has passed:

and the same is are herewith transmitted.

HOUSE BILL NO. 3154,

Tony M. Cook, Secretary

March 6, 2000

Mr. Speaker:

The Senate has concurred in the House amendment(s) and has passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5518,

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5610,

SENATE BILL NO. 6010,

SUBSTITUTE SENATE BILL NO. 6071,

SENATE BILL NO. 6154,

SENATE BILL NO. 6190,
SECOND SUBSTITUTE SENATE BILL NO. 6199,
SUBSTITUTE SENATE BILL NO. 6210,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6217,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6218,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6220,
ENGROSSED SENATE BILL NO. 6236,
SUBSTITUTE SENATE BILL NO. 6244,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6264,
SUBSTITUTE SENATE BILL NO. 6450,
SUBSTITUTE SENATE BILL NO. 6459,
SUBSTITUTE SENATE BILL NO. 6467,
SUBSTITUTE SENATE BILL NO. 6502,
SUBSTITUTE SENATE BILL NO. 6720,

and the same are herewith transmitted.

Tony M. Cook, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4780, by Representatives Alexander, DeBolt, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Chopp, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schindler, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood and Woods

WHEREAS, The dedicated men and women who work on our public roads and highways are often at risk of harm to themselves and their coworkers with flagging which is a dangerous activity even for trained professionals; and

WHEREAS, It is the responsibility of drivers to be more alert when driving in construction zones and to pay attention to all signs and flaggers; and

WHEREAS, On February 2, 2000, Sam E. Williams, a Washington state department of transportation worker since 1991, was killed after being struck by a car while flagging for a sign installation project on U.S. Highway 12 near Mossyrock, Washington; and

WHEREAS, Sam E. Williams was born in Chehalis, Washington and lived with his family in Morton, Washington; and

WHEREAS, Sam E. Williams was a dedicated family man who was loved by his wife and their four children, and his other family members, friends, neighbors, and coworkers and will be greatly missed by them; and

WHEREAS, Sam E. Williams had a raucous sense of humor and a love for racing lawn mowers - organizing competitive lawn mower races for the Morton Loggers Jubilee for the last ten years; and

WHEREAS, Sam E. Williams was an avid guitar player and enjoyed going out country dancing with his wife and friends;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington remember the dedicated service of Sam E. Williams and encourage all drivers to drive safely and exercise due caution when driving in or near construction zones; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Sam E. Williams' wife, Belle.

Representative Alexander moved adoption of the resolution.

Representatives Alexander, DeBolt and Reardon spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4780 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Pennington presiding) took a moment to introduce to the Chamber Mr. Williams' wife, Belle, and family and friends of Sam Williams. He asked that the body acknowledge their loss.

HOUSE RESOLUTION NO. 2000-4788, by Representatives Rockefeller, Lantz, Regala, Talcott, Fisher, Stensen, H. Sommers, Kagi, Keiser, Conway, Haigh, Dunshee, Sullivan, Carlson, Schual-Berke, O'Brien, McIntire, Lovick, Tokuda, Morris, Anderson, Pennington, Wensman, Thomas, Hankins, Parlette and Dunn

WHEREAS, Fred T. Haley, a native son of Washington, was born in Tacoma in 1912, graduated from Stadium High School, earned a Bachelor's degree at Dartmouth College, and returned to Tacoma during the Great Depression to work at his father's company, now Brown & Haley, perhaps best known for Almond Roca; and

WHEREAS, In 1942, shortly after the United States entered World War II, Fred T. Haley left Washington to serve with the United States Navy in the Pacific on Bora Bora and on the cruiser, U.S.S. Tuscaloosa; and

WHEREAS, After the War, Fred married Dorothy Geyer of Saginaw, Michigan and returned with her to Tacoma where they raised their four children, Susan, Mark, Evan, and Mimi; and

WHEREAS, Fred T. Haley soon displayed his civic leadership as a member and Chair of the Tacoma School Board, where he played a key role in the Board which refused to fire an employee who invoked his Fifth Amendment rights before the House Un-American Activities Committee and encouraged the hiring of minority teachers and staff in Tacoma schools; and

WHEREAS, Fred T. Haley Chaired the State Citizens Committee for Civil Rights Legislation, and participated in Martin Luther King's mammoth 1963 march on Washington for jobs and freedom, an event that he later described as a "supreme moment in the peacetime history of the nation"; and

WHEREAS, In subsequent years while continuing to serve as Chairman and Chief Executive Officer of Brown & Haley, Mr. Haley's public career included, but was not limited to, membership on the Board of Advisors for the United States Department of Education's Fund for the Improvement of Post Secondary Education, the National Committee for Support of Public Schools, the National Task Force on Higher Education and the Public Interest, and the Boards of Trustees of The Evergreen State College, Linfield College, and Prometheus College; he assumed an active role in the development of

the University of Washington's Tacoma Branch Campus, served on the board of the Center for the Study of Capable Youth, and was advisor to the College of Arts and Sciences, the History Department, and the School of Social Work on the University of Washington's Seattle Campus; in 1982 he was appointed Chair of the Washington State Temporary Committee on Educational Policies, Structure and Management, which was created by the Legislature to recommend educational changes from preschool to graduate school, and which he guided through an intensive work and study program for three years; and

WHEREAS, In recognition of his exemplary service and civic activities, Fred T. Haley has received Honorary Doctorates from the University of Puget Sound and Prometheus College, the William O. Douglas Award from the Washington Chapter of the American Civil Liberties Union, and the Good In Government Award from the League of Women Voters Washington Chapter; in 1985, the Citizens Education Center Northwest, of which he was a founding member, established the Frederick T. Haley Award in his honor; and

WHEREAS, For more than half a century, Fred T. Haley has lived and continues to live by the highest ideals of duty and service by steadfastly devoting his time, his resources, and his boundless energies to education, civil rights, social justice, and the public interest in a career that combined his business and public service principles in a rich blend of integrity and dedication; and in so doing Fred T. Haley stands as an example of committed and enlightened citizenship for all of us throughout the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the contributions Fred T. Haley has made towards social justice and to public education in Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Fred T. Haley and his family, the Executive Director of the Higher Education Coordinating Board, the Superintendent of Public Instruction, and the President of The Evergreen State College.

Representative Rockefeller moved adoption of the resolution.

Representatives Rockefeller, Talcott, Fisher, Kastama, Conway, Lantz and Regala spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4788 was adopted.

HOUSE RESOLUTION NO. 2000-4784, by Representatives B. Chandler, Lisk, Wensman, Parlette, Pflug and Fortunato

WHEREAS, Wrestling is one of the oldest sports in the world; and

WHEREAS, High school wrestling promotes citizenship and sportsmanship, instills a sense of pride in community, teaches life-long lessons of teamwork and self-discipline, and facilitates the physical and emotional development of our nation's youth; and

WHEREAS, Students who participate in interscholastic activities such as wrestling tend to have higher grade-point averages, better attendance records, lower dropout rates, and fewer discipline problems than other students generally; and

WHEREAS, The 1999-2000 Washington State Interscholastic Activities Association Mat Classic XII Wrestling Championship was the largest wrestling tournament in the United States and featured 896 of the best high school wrestlers in the state of Washington competing in 1680 individual matches; and

WHEREAS, The Zillah High School Leopards wrestling team overwhelmingly won first place in the Class 1 A/B team title for the state of Washington for the second year in a row, beating 52 other schools; and

WHEREAS, The Zillah High School Leopards wrestling team set a new Washington State Interscholastic Activities Association state tournament team scoring record with 226.5 points; and

WHEREAS, The Zillah High School Leopards wrestling team achieved a new state record for number of winning contestants by having 12 team members earn state medals in the 1999-2000 Washington State Interscholastic Activities Association Mat Classic XII Wrestling Championship; and

WHEREAS, This record-setting team was led by an extraordinarily dedicated and skilled head coach, Mr. Darrel White, who was assisted by outstanding assistant coaches, Daniel Robillard and Manual Torrez; and

WHEREAS, The state champion Zillah High School wrestling team members included Ben Sevigny, Venancio Aparicio, Ray Rodriguez, Armando Valadez, Ismael Sanchez, Juan Carlos Baca, Julian Lopez, Nico Rodriguez, Kevin Robillard, Ryan Stonemetz, Tim Phillips, Gene Slack, Steve Elliott, Terry Zapien, Timote Uasike, and Leonel Lustre; and

WHEREAS, The mothers, fathers, and families of the wrestlers, and the coaches, managers, grappler gals, and student body, also made a significant contribution by dedicating their time and energy to support the 1999-2000 state champion Zillah wrestling team;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor these young champions and their coaches for their extraordinary athletic achievements; and

BE IT FURTHER RESOLVED, That the Co-Chief Clerks of the House of Representatives immediately transmit copies of this resolution to the school principal, members and coaches of the Zillah state champion wrestling team, and to the Washington Interscholastic Activities Association.

Representative B. Chandler moved adoption of the resolution.

Representatives B. Chandler, Lisk, Cooper, Schmidt, Dunshee and Radcliff spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4784 was adopted.

HOUSE RESOLUTION NO. 2000-4786, by Representatives Mastin, Grant, Wensman, Carlson, Thomas, Linville, Parlette, Pflug and Talcott

WHEREAS, Community-based mentorship programs are effective in reducing violent crime and promoting improvements in educational achievement, employment, and life skills, particularly with youth who are potential truants under the Becca Bill, youth at risk, youth incarcerated at secure facilities, and adults under the supervision of the Department of Corrections; and

WHEREAS, The Department of Health and Human Services, the Department of Corrections, and the Office of the Superintendent of Public Instruction have partnered with local school districts, sheriffs, prosecutors, and courts to develop and use community-based mentorship programs across the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the value of community-based mentorship programs and honor all those agencies and those individuals who have given of their time, talent, and energy to make them successful.

Representative Mastin moved adoption of the resolution.

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

House Resolution No. 2000-4786 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2353 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.46.210 and 1981 c 139 s 11 are each amended to read as follows:

(1) It shall be the duty of all peace officers, law enforcement officers, and law enforcement agencies within this state to investigate, enforce, and prosecute all violations of this chapter.

(2) In addition to the authority granted by subsection (1) of this section law enforcement agencies of cities and counties shall investigate and report to the commission all violations of the provisions of this chapter and of the rules of the commission found by them and shall assist the commission in any of its investigations and proceedings respecting any such violations. Such law enforcement agencies shall not be deemed agents of the commission.

(3) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, the deputy director, both assistant directors, and each of the commission's investigators, enforcement officers, and inspectors shall have the power, under the supervision of the commission, to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

(4) Criminal history record information that includes nonconviction data, as defined in RCW 10.97.030, shall be disseminated by a criminal justice agency to the Washington state gambling commission for any purpose associated with the investigation for suitability for involvement in gambling activities authorized under this chapter. The Washington state gambling commission shall only disseminate nonconviction data obtained under this section to criminal justice agencies."

In line 2 of the title, after "commission;" strike the remainder of the title and insert "and amending RCW 9.46.210."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to House Bill No. 2353 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2378 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 15.58.030 and 1992 c 170 s 1 are each amended to read as follows:

As used in this chapter the words and phrases defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(2) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(3) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(4) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(5) "Department" means the Washington state department of agriculture.

(6) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(7) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, or to destroy, control, repel or mitigate fungi, nematodes, or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(8) "Director" means the director of the department or a duly authorized representative.

(9) "Distribute" means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

(10) "EPA" means the United States environmental protection agency.

(11) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(12) "FIFRA" means the federal insecticide, fungicide, and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(13) "Fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of a lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living persons or other animals.

(14) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(15) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed.

(16) "Inert ingredient" means an ingredient which is not an active ingredient.

(17) "Ingredient statement" means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic. In the case of a spray adjuvant the ingredient statement need contain only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants. If more than three functioning agents are present, only the three principal ones need be named.

(18) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(19) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(20) "Inspection control number" means a number obtained from the department that is recorded on wood destroying organism inspection reports issued by a structural pest inspector in conjunction with the transfer, exchange, or refinancing of any structure.

(21) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide, device, or immediate container, and the outside container or wrapper of the retail package.

~~((21))~~ (22) "Labeling" means all labels and other written, printed, or graphic matter:

(a) Upon the pesticide, device, or any of its containers or wrappers;

(b) Accompanying the pesticide, or referring to it in any other media used to disseminate information to the public; and

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device except when accurate nonmisleading reference is made to current official publications of the department, United States departments of agriculture; interior; education; health and human services; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

~~((22))~~ (23) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

~~((23))~~ (24) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed using a master application and a master license expiration date common to each renewable license endorsement.

~~((24))~~ (25) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

~~((25))~~ (26) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts, may also be called nemas or eelworms.

~~((26))~~ (27) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

~~((27))~~ (28) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in a living person or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

~~((28))~~ (29) "Pest control consultant" means any individual who acts as a structural pest ~~(control)~~ inspector, who sells or offers for sale at other than a licensed pesticide dealer outlet or location where they are employed, or who offers or supplies technical advice, supervision, or aid, or makes recommendations to the user of:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

~~((29))~~ (30) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant.

~~((30))~~ (31) "Pesticide advisory board" means the pesticide advisory board as provided for in the Washington pesticide application act.

~~((31))~~ (32) "Pesticide dealer" means any person who distributes any of the following pesticides:

(a) Highly toxic pesticides, as determined under RCW 15.58.040;

(b) EPA restricted use pesticides or restricted use pesticides which are restricted by rule to distribution by licensed pesticide dealers only; or

(c) Any other pesticide except those pesticides which are labeled and intended for home and garden use only.

~~((32))~~ (33) "Pesticide dealer manager" means the owner or other individual supervising pesticide distribution at one outlet holding a pesticide dealer license.

~~((33))~~ (34) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

~~((34))~~ (35) "Registrant" means the person registering any pesticide under the provisions of this chapter.

~~((35))~~ (36) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

~~((36))~~ (37) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

~~((37))~~ (38) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own, intended to be used with any other pesticide as an aid to the application or to the effect of the pesticide, and which is in a package or container separate from that of the pesticide with which it is to be used.

~~((38))~~ (39) "Special local needs registration" means a registration issued by the director pursuant to provisions of section 24(c) of FIFRA.

~~((39))~~ (40) "Structural pest (~~control~~) inspector" means any individual who performs the service of inspecting a building for wood destroying organisms, their damage, or conditions conducive to their infestation.

~~((40))~~ (41) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

~~((41))~~ (42) "Weed" means any plant which grows where not wanted.

(43) "Wood destroying organism inspection report" means any written document that reports or comments on the presence or absence of wood destroying organisms, their damage, and/or conducive conditions leading to the establishment of such organisms.

NEW SECTION. Sec. 2. A new section is added to chapter 15.58 RCW to read as follows:

It is unlawful for any person to issue a wood destroying organism inspection report, prepared in conjunction with the transfer, exchange, or refinancing of any structure, without recording a unique inspection control number on the wood destroying organism inspection report. All wood destroying organism inspection reports completed by the same inspector, relating to a single transfer, exchange, or refinance, shall bear the same unique inspection control number. The responsibility to record the unique inspection control number on the report under this section lies solely with the person issuing the wood destroying organism inspection report.

NEW SECTION. Sec. 3. A new section is added to chapter 15.58 RCW to read as follows:

(1) The director shall not issue a license to any person who intends to act as a structural pest inspector until the person has furnished evidence of financial responsibility.

(2) Evidence of financial responsibility shall consist of either a surety bond or an errors and omissions insurance policy or certification thereof, protecting persons who may suffer legal damages as

a result of actions by the structural pest inspector. The director shall not accept a surety bond or insurance policy except from authorized insurers in this state.

(3) Evidence of financial responsibility shall be supplied to the department on a financial responsibility insurance certificate or surety bond form.

NEW SECTION. Sec. 4. A new section is added to chapter 15.58 RCW to read as follows:

(1) The following requirements apply to the amount of surety bond or insurance required for structural pest inspectors.

(a) The amount of the surety bond or errors and omissions insurance, as provided for in section 3 of this act, shall be not less than twenty-five thousand dollars and fifty thousand dollars respectively. The surety bond or insurance policy shall be maintained at not less than the required sum at all times during the licensed period.

(b) The director shall be notified ten days before any reduction of insurance coverage at the request of the applicant or cancellation of the surety bond or insurance by the surety or insurer and by the insured.

(c) The total and aggregate of the surety and insurer for all claims is limited to the face of the surety bond or insurance policy. The director may accept a surety bond or insurance policy in the proper sum that has a deductible clause in an amount not exceeding five thousand dollars for the total amount of surety bond or insurance required by this section. If the applicant has not satisfied the requirement of the deductible amount in any prior legal claim the deductible clause shall not be accepted by the director unless the applicant furnishes the director with a surety bond or insurance policy which shall satisfy the amount of the deductible as to all claims that may arise.

(2) Insurance policies must be written on an occurrence basis.

(3) Insurance policies shall have a minimum three-year occurrence clause.

NEW SECTION. Sec. 5. A new section is added to chapter 15.58 RCW to read as follows:

Whenever a structural pest inspector's surety bond or insurance policy is reduced below the requirements of section 4 of this act, or whenever the person has failed to provide evidence of financial responsibility as required by section 3 of this act by the expiration date of the previous surety bond or insurance policy, the director shall immediately suspend the person's structural pest inspector license until the person's surety bond or insurance policy again meets the requirements of section 4 of this act.

Sec. 6. RCW 15.58.150 and 1991 c 264 s 3 are each amended to read as follows:

(1) It is unlawful for any person to distribute within the state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(a) Any pesticide which has not been registered pursuant to the provisions of this chapter;

(b) Any pesticide if any of the claims made for it or any of the directions for its use or other labeling differs from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration:

PROVIDED, That at the discretion of the director, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product;

(c) Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to such container, and to the outside container or wrapper of the retail package, if there is one through which the required information on the immediate container cannot be clearly read, a label bearing the information required in this chapter and the rules adopted under this chapter;

(d) Any pesticide including arsenicals, fluorides, fluosilicates, and/or any other white powdered pesticides unless they have been distinctly denatured as to color, taste, odor, or form if so required by rule;

(e) Any pesticide which is adulterated or misbranded, or any device which is misbranded;

(f) Any pesticide in containers, violating rules adopted pursuant to RCW 15.58.040(2)(f) or pesticides found in containers which are unsafe due to damage.

(2) It shall be unlawful:

(a) To sell or deliver any pesticide to any person who is required by law or rules promulgated under such law to be certified, licensed, or have a permit to use or purchase the pesticide unless such person or the person's agent, to whom sale or delivery is made, has a valid certification, license, or permit to use or purchase the kind and quantity of such pesticide sold or delivered: PROVIDED, That, subject to conditions established by the director, such permit may be obtained immediately prior to sale or delivery from any person designated by the director;

(b) For any person to detach, alter, deface or destroy, wholly or in part, any label or labeling provided for in this chapter or rules adopted under this chapter, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this chapter or the rules adopted thereunder;

(c) For any person to use or cause to be used any pesticide contrary to label directions or to regulations of the director if those regulations differ from or further restrict the label directions: PROVIDED, The compliance to the term "contrary to label directions" is enforced by the director consistent with the intent of this chapter;

(d) For any person to use for his or her own advantage or to reveal, other than to the director or proper officials or employees of the state, or to the courts of the state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of RCW 15.58.060;

(e) For any person to make false, misleading, or erroneous statements or reports concerning any pest during or after a pest inspection or to fail to comply with criteria established by rule for structural pest (~~control~~) inspections;

(f) For any person to make false, misleading, or erroneous statements or reports in connection with any pesticide complaint or investigation;

(g) For any person to advertise that the person is a licensed structural pest inspector without having a valid pest control consultant license in the category of structural pest inspector.

Sec. 7. RCW 15.58.233 and 1997 c 242 s 10 are each amended to read as follows:

(1) The director may renew any license issued under this chapter subject to the recertification standards identified in subsection (2) of this section or an examination requiring new knowledge that may be required to apply pesticides.

(2) Except as provided in subsection (3) of this section, all individuals licensed under this chapter shall meet the recertification standards identified in (a) or (b) of this subsection, every five years, in order to qualify for continuing licensure.

(a) (~~Licensed pesticide applicators~~) Individuals licensed under this chapter may qualify for continued licensure through accumulation of recertification credits. Individuals licensed under this chapter shall accumulate a minimum of forty department-approved credits every five years with no more than fifteen credits allowed per year.

(b) (~~Licensed pesticide applicators~~) Individuals licensed under this chapter may qualify for continued licensure through meeting the examination requirements necessary to become licensed in those areas in which the licensee operates.

(3) At the termination of a licensee's five-year recertification period, the director may waive the recertification requirements if the licensee can demonstrate that he or she is meeting comparable recertification standards through another state or jurisdiction or through a federal environmental protection agency-approved government agency plan.

Sec. 8. RCW 15.58.040 and 1997 c 242 s 1 are each amended to read as follows:

(1) The director shall administer and enforce the provisions of this chapter and rules adopted under this chapter. All the authority and requirements provided for in chapter 34.05 RCW (Administrative Procedure Act) and chapter 42.30 RCW shall apply to this chapter in the adoption of rules including those requiring due notice and a hearing for the adoption of permanent rules.

(2) The director is authorized to adopt appropriate rules for carrying out the purpose and provisions of this chapter, including but not limited to rules providing for:

(a) Declaring as a pest any form of plant or animal life or virus which is injurious to plants, people, animals (domestic or otherwise), land, articles, or substances;

(b) Determining that certain pesticides are highly toxic to people. For the purpose of this chapter, highly toxic pesticide means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity category I due to oral inhalation or dermal toxicity. The director shall publish a list of all pesticides, determined to be highly toxic, by their common or generic name and their trade or brand name if practical. Such list shall be kept current and shall, upon request, be made available to any interested party;

(c) Determining standards for denaturing pesticides by color, taste, odor, or form;

(d) The collection and examination of samples of pesticides or devices;

(e) The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers;

(f) Restricting or prohibiting the use of certain types of containers or packages for specific pesticides. These restrictions may apply to type of construction, strength, and/or size to alleviate danger of spillage, breakage, misuse, or any other hazard to the public. The director shall be guided by federal regulations concerning pesticide containers;

(g) Procedures in making of pesticide recommendations;

(h) Adopting a list of restricted use pesticides for the state or for designated areas within the state if the director determines that such pesticides may require rules restricting or prohibiting their distribution or use. The director may include in the rule the time and conditions of distribution or use of such restricted use pesticides and may, if it is found necessary to carry out the purpose and provisions of this chapter, require that any or all restricted use pesticides shall be purchased, possessed, or used only under permit of the director and under the director's direct supervision in certain areas and/or under certain conditions or in certain quantities or concentrations. The director may require all persons issued such permits to maintain records as to the use of all the restricted use pesticides;

(i) Label requirements of all pesticides required to be registered under provisions of this chapter;

(j) Regulating the labeling of devices;

(k) The establishment of criteria governing the conduct of a structural pest (~~control~~) inspection; and

(l) Declaring crops, when grown to produce seed specifically for crop reproduction purposes, to be nonfood and/or nonfeed sites of pesticide application. The director may include in the rule any restrictions or conditions regarding: (i) The application of pesticides to the designated crops; and (ii) the disposition of any portion of the treated crop.

(3) For the purpose of uniformity and to avoid confusion endangering the public health and welfare the director may adopt rules in conformity with the primary pesticide standards, particularly as to labeling, established by the United States environmental protection agency or any other federal agency.

Sec. 9. RCW 15.58.210 and 1997 c 242 s 6 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, no individual may perform services as a pest control consultant without obtaining a license from the director. The license shall expire annually on a date set by rule by the director. Except as provided in subsection (3) of this section, no individual may act as a structural pest (~~control~~) inspector without first obtaining from the director a pest control consultant license in the special category of structural pest (~~control~~) inspector. Application for a license shall be on a form prescribed by the director and shall be accompanied by a fee of forty-five dollars.

(2) The following are exempt from the licensing requirements of subsection (1) of this section when acting within the authorities of their existing licenses issued under chapter 17.21 RCW: Licensed commercial pesticide applicators and operators; licensed private-commercial applicators; and licensed demonstration and research applicators. The following are also exempt from the licensing requirements of subsection (1) of this section: Employees of federal, state, county, or municipal agencies when acting in their official governmental capacities; and pesticide dealer managers and employees working under the direct supervision of the pesticide dealer manager and only at a licensed pesticide dealer's outlet.

(3) The following are exempt from the structural pest (~~control~~) inspector licensing requirement: Individuals inspecting for damage caused by wood destroying organisms if such inspections are solely for the purpose of: (a) Repairing or making specific recommendations for the repair of such damage, or (b) assessing a monetary value for the structure inspected. Individuals performing wood destroying organism inspections that incorporate but are not limited to the activities described in (a) or (b) of this subsection are not exempt from the structural pest (~~control~~) inspector licensing requirement.

NEW SECTION. **Sec. 10.** This act takes effect July 1, 2000."

On page 1, line 1 of the title, after "inspections;" strike the remainder of the title and insert "amending RCW 15.58.030, 15.58.150, 15.58.233, 15.58.040, and 15.58.210; adding new sections to chapter 15.58 RCW; prescribing penalties; providing an effective date; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2378 and advanced the bill as amended by the Senate to final passage.

Representative G. Chandler spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2378 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2378 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 2378, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2400.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2491 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. .1 A new section is added to chapter 10.73 RCW to read as follows:

(1) On or before December 31, 2002, a person in this state who has been sentenced to death or life imprisonment without possibility of release or parole and who has been denied postconviction DNA testing may submit a request to the county prosecutor in the county where the conviction was obtained for postconviction DNA testing, if DNA evidence was not admitted because the court ruled DNA testing did not meet acceptable scientific standards or DNA testing technology was not sufficiently developed to test the DNA evidence in the case. On and after January 1, 2003, a person must raise the DNA issues at trial or on appeal.

(2) The prosecutor shall screen the request. The request shall be reviewed based upon the likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis. Upon determining that testing should occur and the evidence still exists, the prosecutor shall request DNA testing by the Washington state patrol crime laboratory. Contact with victims shall be handled through victim/witness divisions.

(3) A person denied a request made pursuant to subsections (1) and (2) of this section has a right to appeal his or her request within thirty days of denial of the request by the prosecutor. The appeal shall be to the attorney general's office. If the attorney general's office determines that it is likely that the DNA testing would demonstrate innocence on a more probable than not basis, then the attorney general's office shall request DNA testing by the Washington state patrol crime laboratory.

NEW SECTION. Sec. 2. By December 1, 2001, the office of public defense shall prepare a report detailing the following: (1) The number of postconviction DNA test requests approved by the respective prosecutor; (2) the number of postconviction DNA test requests denied by the respective prosecutor and a summary of the basis for the denials; (3) the number of appeals for postconviction DNA testing approved by the attorney general's office; (4) the number of appeals for postconviction DNA testing denied by the attorney general's office and a summary of the basis for the denials; and (5) a summary of the results of the postconviction DNA tests conducted pursuant to section 1 (2) and (3) of this act. The report shall also provide an estimate of the number of persons convicted of crimes where DNA evidence was not admitted because the court ruled DNA testing did not meet acceptable scientific standards or where DNA testing technology was not sufficiently developed to test the DNA evidence in the case.

Sec. 3. RCW 10.37.050 and 1891 c 28 s 29 are each amended to read as follows:

The indictment or information is sufficient and will toll any statute of limitations if it can be understood therefrom--

(1) That it is entitled in a court having authority to receive (~~(fit.)~~) it;

(2) That it was found by a grand jury or prosecuting attorney of the county in which the court was held;

(3) That the defendant is named, or if his name cannot be discovered, that he is described by a fictitious name or by reference to a unique genetic sequence of deoxyribonucleic acid, with the statement that his real name is (~~(to the jury)~~) unknown;

(4) That the crime was committed within the jurisdiction of the court, except where, as provided by law, the act, though done without the county in which the court is held, is triable therein;

(5) That the crime was committed at some time previous to the finding of the indictment or filing of the information, and within the time limited by law for the commencement of an action therefor;

(6) That the act or omission charged as the crime is clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended;

(7) The act or omission charged as the crime is stated with such a degree of certainty as to enable the court to pronounce judgment upon a conviction according to the right of the case.

NEW SECTION. **Sec. 4.** Nothing in this act is intended to create a legal right or cause of action. Nothing in this act is intended to deny or alter any existing legal right or cause of action. Nothing in this act should be interpreted to deny postconviction DNA testing requests under existing law by convicted and incarcerated persons who were sentenced to confinement for a term less than life or the death penalty."

On page 1, line 1 of the title, after "evidence;" strike the remainder of the title and insert "amending RCW 10.37.050; adding a new section to chapter 10.73 RCW; and creating new sections."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Substitute House Bill No. 2491 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed Engrossed Second Substitute House Bill No. 2588 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

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

(1) "Department" means the department of social and health services.

(2) "Domestic violence fatality" means a homicide or suicide under any of the following circumstances:

(a) The alleged perpetrator and victim resided together at any time;

(b) The alleged perpetrator and victim have a child in common;

(c) The alleged perpetrator and victim were married, divorced, separated, or had a dating relationship;

(d) The alleged perpetrator had been stalking the victim;

(e) The homicide victim lived in the same household, was present at the workplace of, was in proximity of, or was related by blood or affinity to a victim who experienced or was threatened with domestic abuse by the alleged perpetrator; or

(f) The victim or perpetrator was a child of a person in a relationship that is described within this subsection.

This subsection should be interpreted broadly to give the domestic violence fatality review panels discretion to review fatalities that have occurred directly to domestic relationships.

NEW SECTION. **Sec. 2.** (1) Subject to the availability of state funds, the department shall contract with an entity with expertise in domestic violence policy and education and with a state-wide perspective to coordinate review of domestic violence fatalities. The coordinating entity shall be authorized to:

(a) Convene regional review panels;

(b) Gather information for use of regional review panels;

(c) Provide training and technical assistance to regional review panels;

(d) Compile information and issue biennial reports with recommendations; and

(e) Establish a protocol that may be used as a guideline for identifying domestic violence related fatalities, forming review panels, convening reviews, and selecting which cases to review. The coordinating entity may also establish protocols for data collection and preservation of confidentiality.

(2)(a) The coordinating entity may convene a regional domestic violence fatality review panel to review any domestic violence fatality.

(b) Private citizens may request a review of a particular death by submitting a written request to the coordinating entity within two years of the death. Of these, the appropriate regional review panel may review those cases which fit the criteria set forth in the protocol for the project.

NEW SECTION. Sec. 3. (1) Regional domestic violence fatality review panels shall include but not be limited to:

(a) Medical personnel with expertise in domestic violence abuse;
(b) Coroners or medical examiners or others experienced in the field of forensic pathology, if available;

- (c) County prosecuting attorneys and municipal attorneys;
- (d) Domestic violence shelter service staff and domestic violence victims' advocates;
- (e) Law enforcement personnel;
- (f) Local health department staff;
- (g) Child protective services workers;
- (h) Community corrections professionals;
- (i) Perpetrator treatment program provider; and
- (j) Judges, court administrators, and/or their representatives.

(2) Regional domestic violence fatality review panels may also invite other relevant persons to serve on an ad hoc basis and participate as full members of the review team for a particular review.

These persons may include, but are not limited to:

(a) Individuals with particular expertise helpful to the regional review panel;
(b) Representatives of organizations or agencies that had contact with or provided services to the homicide victim or to the alleged perpetrator.

(3) The regional review panels shall make periodic reports to the coordinating entity and shall make a final report to the coordinating entity with regard to every fatality that is reviewed.

NEW SECTION. Sec. 4. (1) An oral or written communication or a document shared within or produced by a regional domestic violence fatality review panel related to a domestic violence fatality review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a regional domestic violence fatality review panel, or between a third party and a regional domestic violence fatality review panel is confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations from the regional domestic violence fatality review panel and the coordinating entity generally may be disclosed minus personal identifiers.

(2) The regional review panels, only to the extent otherwise permitted by law or court rule, shall have access to information and records regarding the domestic violence victims and perpetrators under review held by domestic violence perpetrators' treatment providers; dental care providers; hospitals, medical providers, and pathologists; coroners and medical examiners; mental health providers; lawyers; the state and local governments; the courts; and employers. The coordinating entity and the regional review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

(3) The regional review panels shall review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary to an investigation, guardian ad litem reports, parenting evaluations, and victim impact statements; probation information; mental health evaluations done for court; presentence interviews and reports, and any recommendations made regarding bail and release on own recognizance; child protection services, welfare, and other information held by the department; any law enforcement incident documentation, such as incident reports, dispatch records, victim, witness, and suspect statements, and any supplemental reports, probable cause statements, and 911 call taker's reports; corrections and postsentence supervision reports; and any other information

determined to be relevant to the review. The coordinating entity and the regional review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

NEW SECTION. **Sec. 5.** If acting in good faith, without malice, and within the parameters of this chapter and the protocols established, representatives of the coordinating entity and the regional domestic violence fatality review panels are immune from civil liability for an activity related to reviews of particular fatalities.

NEW SECTION. **Sec. 6.** Within available funds, data regarding each domestic violence fatality review shall be collected on standard forms created by the coordinating entity. Data collected on reviewed fatalities shall be compiled and analyzed for the purposes of identifying points at which the system response to domestic violence could be improved and identifying patterns in domestic violence fatalities.

NEW SECTION. **Sec. 7.** (1) A biennial state-wide report shall be issued by the coordinating entity in December of even-numbered years containing recommendations on policy changes that would improve program performance, and issues identified through the work of the regional panels. Copies of this report shall be distributed to the governor, the house of representatives children and family services and criminal justice and corrections committees, and the senate human services and corrections and judiciary committees and to those agencies involved in the regional domestic violence fatality review panels.

(2) The annual report in December 2010 shall contain a recommendation as to whether or not the domestic violence review process provided for in this chapter should continue or be terminated by the legislature.

NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 9.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "reviews;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating new sections."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2588 and advanced the bill as amended by the Senate to final passage.

Representative Tokuda spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2588 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2588 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Second Substitute House Bill No. 2588, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2604 with the following amendment(s)

On page 6, after line 25, insert the following:

"NEW SECTION. Sec. 3. No later than July 1, 2000, the department of retirement systems shall allow a member who: (1) Has attained ninety years of age, and (2) elected to receive a reduced retirement allowance under RCW 41.32.530 and designated a nonspouse as survivor beneficiary, the opportunity to remove the survivor designation and have their future benefit adjusted."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "41.40.660;" insert "creating a new section;"

On page 16, after line 25, insert the following:

"Sec. 8. RCW 43.43.278 and 1999 c 74 s 4 are each amended to read as follows:

By July 1, 2000, the department of retirement systems shall adopt rules that allow a member to select(~~(, in lieu of benefits under RCW 43.43.270,)~~) an actuarially equivalent retirement option that pays the member a reduced retirement allowance and upon death shall be continued throughout the life of a lawful surviving spouse. The continuing allowance to the lawful surviving spouse shall be subject to the yearly increase provided by RCW 43.43.260(5) in lieu of the annual increase provided in RCW 43.43.272. The allowance to the lawful surviving spouse under this section, and the allowance for an eligible child or children under RCW 43.43.270, shall not be subject to the limit for combined benefits under RCW 43.43.270."

Renumber the remaining section.

On page 1, line 3 of the title, strike "and 41.40.660" and insert "41.40.660, and 43.43.278" and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2604 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2604 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2604 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 2604, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed Second Substitute House Bill No. 2637 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.832 and 1997 c 392 s 524 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation, but only if

the victim was a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order against the respondent under chapter 74.34 RCW, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services must consider the information listed in subsection (1) of this section in the following circumstances:

(a) When considering persons for state ~~((positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults))~~ employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

~~((c))~~ (d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(7) If a federal bureau of investigation check is required in addition to the state background check by the department of social and health services, an applicant who is not disqualified based on the results of the state background check shall be eligible for a one hundred twenty day provisional approval to hire, pending the outcome of the federal bureau of investigation check. The department may extend the provisional approval until receipt of the federal bureau of investigation check. If the federal bureau of investigation check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.

Sec. 2. RCW 43.20A.710 and 1999 c 336 s 7 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges or disciplinary board final decisions of:

(a) Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities; ~~((and))~~

(b) Persons being considered for state employment in positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) Individual providers who are paid by the state ~~((for))~~ and providers who are paid by home care agencies to provide in-home services ~~((and hired by individuals))~~ involving unsupervised access to persons with physical ~~((disabilities))~~, mental, or developmental disabilities~~((,))~~ or mental illness, or ~~((mental impairment))~~ to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW; and

(d) Individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) An individual provider or home care agency provider who has resided in the state less than three years before applying for employment involving unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must be fingerprinted for the purpose of investigating conviction records both through the Washington state patrol and the federal bureau of investigation. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110. However, this subsection does not supersede RCW 74.15.030(2)(b).

(4) An individual provider or home care agency provider hired to provide in-home care for and having unsupervised access to a vulnerable adult as defined in chapter 74.34 RCW must have no conviction for a disqualifying crime under RCW 43.43.830 and 43.43.842. An individual or home

care agency provider must also have no conviction for a crime relating to drugs as defined in RCW 43.43.830. This subsection applies only with respect to the provision of in-home services funded by medicaid personal care under RCW 74.09.520, community options program entry system waiver services under RCW 74.39A.030, or chore services under RCW 74.39A.110.

~~(5) The secretary shall provide the results of the ((state)) background check on individual providers to the ((individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment)) persons hiring them or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If ((an individual)) the person elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from ((employment with the department)) having unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.~~

~~((4)) (6) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.~~

Sec. 3. RCW 74.39A.050 and 1999 c 336 s 5 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, resident managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

~~(9) ((The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact,~~

~~appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.~~

~~(10))~~ The department shall by rule develop training requirements for individual providers and home care agency providers. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirement within the time limit specified by the department by rule.

~~((11))~~ (10) The department shall establish, by rule, training, background checks, and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

~~((12))~~ (11) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

~~((13))~~ (12) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

Sec. 4. RCW 74.34.095 and 1999 c 176 s 17 are each amended to read as follows:

(1) The following information is confidential and not subject to disclosure, except as provided in this section:

- (a) A report of abandonment, abuse, financial exploitation, or neglect made under this chapter;
- (b) The identity of the person making the report; and
- (c) All files, reports, records, communications, and working papers used or developed in the investigation or provision of protective services.

(2) Information considered confidential may be disclosed only for a purpose consistent with this chapter or as authorized by chapter 18.20, 18.51, or 74.39A RCW, or as authorized by the long-term care ombudsman programs under federal law or state law, chapter 43.190 RCW.

(3) A court or presiding officer in an administrative proceeding may order disclosure of confidential information only if the court, or presiding officer in an administrative proceeding, determines that disclosure is essential to the administration of justice and will not endanger the life or safety of the vulnerable adult or individual who made the report. The court or presiding officer in an administrative hearing may place restrictions on such disclosure as the court or presiding officer deems proper.

Sec. 5. RCW 74.39A.095 and 1999 c 175 s 3 are each amended to read as follows:

(1) In carrying out case management responsibilities established under RCW 74.39A.090 for consumers who are receiving services under the medicaid personal care, community options programs entry system or chore services program through an individual provider, each area agency on aging shall provide adequate oversight of the care being provided to consumers receiving services under this section. Such oversight shall include, but is not limited to:

- (a) Verification that the individual provider has met any training requirements established by the department;
- (b) Verification of a sample of worker time sheets;
- (c) Home visits or telephone contacts sufficient to ensure that the plan of care is being appropriately implemented;
- (d) Reassessment and reauthorization of services;
- (e) Monitoring of individual provider performance; and
- (f) Conducting criminal background checks or verifying that criminal background checks have been conducted.

(2) The area agency on aging case manager shall work with each consumer to develop a plan of care under this section that identifies and ensures coordination of health and long-term care services that meet the consumer's needs. In developing the plan, they shall utilize, and modify as needed, any comprehensive community service plan developed by the department as provided in RCW 74.39A.040. The plan of care shall include, at a minimum:

- (a) The name and telephone number of the consumer's area agency on aging case manager, and a statement as to how the case manager can be contacted about any concerns related to the consumer's well-being or the adequacy of care provided;
- (b) The name and telephone numbers of the consumer's primary health care provider, and other health or long-term care providers with whom the consumer has frequent contacts;
- (c) A clear description of the roles and responsibilities of the area agency on aging case manager and the consumer receiving services under this section;
- (d) The duties and tasks to be performed by the area agency on aging case manager and the consumer receiving services under this section;
- (e) The type of in-home services authorized, and the number of hours of services to be provided;
- (f) The terms of compensation of the individual provider;
- (g) A statement that the individual provider has the ability and willingness to carry out his or her responsibilities relative to the plan of care; and
- (h)(i) Except as provided in (h)(ii) of this subsection, a clear statement indicating that a consumer receiving services under this section has the right to waive any of the case management services offered by the area agency on aging under this section, and a clear indication of whether the consumer has, in fact, waived any of these services.
- (ii) The consumer's right to waive case management services does not include the right to waive reassessment or reauthorization of services, or verification that services are being provided in accordance with the plan of care.

(3) Each area agency on aging shall retain a record of each waiver of services included in a plan of care under this section.

(4) Each consumer has the right to direct and participate in the development of their plan of care to the maximum practicable extent of their abilities and desires, and to be provided with the time and support necessary to facilitate that participation.

(5) A copy of the plan of care must be distributed to the consumer's primary care provider, individual provider, and other relevant providers with whom the consumer has frequent contact, as authorized by the consumer.

(6) The consumer's plan of care shall be an attachment to the contract between the department, or their designee, and the individual provider.

(7) If the department or area agency on aging case manager finds that an individual provider's inadequate performance or inability to deliver quality care is jeopardizing the health, safety, or well-being of a consumer receiving service under this section, the department or the area agency on aging may take action to terminate the contract between the department and the individual provider. If the

department or the area agency on aging has a reasonable, good faith belief that the health, safety, or well-being of a consumer is in imminent jeopardy, the department or area agency on aging may summarily suspend the contract pending a fair hearing. The consumer may request a fair hearing to contest the planned action of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection.

(8) The department or area agency on aging may reject a request by ~~((an+at))~~ a consumer receiving services under this section to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the family member or other person will be unable to appropriately meet the care needs of the consumer. The consumer may request a fair hearing to contest the decision of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection."

On page 1, line 2 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 43.43.832, 43.20A.710, 74.39A.050, 74.34.095, and 74.39A.095."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Second Substitute House Bill No. 2637 and advanced the bill as amended by the Senate to final passage.

Representative Tokuda spoke in favor of final passage of the bill.

There being no objection, the House deferred action on Second Substitute House Bill No. 2637.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2670 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.95.215 and 1985 c 436 s 1 are each amended to read as follows:

(1) By July 1, 1987, each holder or applicant of a permit for a landfill disposal facility issued under this chapter shall establish a reserve account to cover the costs of closing the facility in accordance with state and federal regulations. The account shall be designed to ensure that there will be adequate revenue available by the projected date of closure. A landfill disposal ((facilities)) facility maintained on private property for the sole use of the entity owning the site and a landfill disposal facility operated and maintained by a government shall not be required to establish a reserve account if, to the satisfaction of the department, ((they)) the entity or government provides another form of financial assurance adequate to comply with the requirements of this section.

(2) By July 1, 1986, the department shall adopt rules under chapter 34.05 RCW to implement subsection (1) of this section. The department is not required to adopt rules pertaining to other approved forms of financial assurance to cover the costs of closing a landfill disposal facility. The rules shall include but not be limited to:

(a) Methods to estimate closure costs, including postclosure monitoring, pollution prevention measures, and any other procedures required under state and federal regulations;

(b) Methods to ensure that reserve accounts receive adequate funds, including:

(i) Requirements that the reserve account be generated by user fees. However, the department may waive this requirement for existing landfills if user fees would be prohibitively high;

- (ii) Requirements that moneys be placed in the reserve account on a regular basis and that the reserve account be kept separate from all other accounts; and
- (iii) Procedures for the department to verify that adequate sums are deposited in the reserve account; and
- (c) Methods to ensure that other types of financial assurance provided in accordance with subsection (1) of this section are adequate to cover the costs of closing the facility.

NEW SECTION. **Sec. 2.** (1) The state solid waste advisory committee shall direct a study by the department of ecology on the adequacy of financing to assure landfill closure. The study shall include, but is not limited to:

- (a) A clear description of the financial assurance mechanisms authorized by law;
 - (b) A summary of current financial assurances for landfill closure currently in place for all landfills in the state. The department shall compile this information from existing sources such as capital facilities plans authorized under the growth management act, local government solid waste management plans and budgets, and financial audits by the state auditor. The summary shall include, but shall not be limited to:
 - (i) The estimated cost to close the landfill facility and the years to closure;
 - (ii) The financial mechanisms approved by the jurisdictional health department or the department to assure landfill closure; and
 - (iii) The status of financial mechanisms, including account balance, loans against, or encumbrances on the financial mechanisms; and
 - (c) The effect of various financial assurance mechanisms on consumers' rates.
- (2) The report shall include recommendations for modifying requirements for financing mechanisms to assure landfill closure and maintaining and reporting information on the status of financial assurances. The solid waste advisory committee shall provide the report to the legislature by December 15, 2000."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 70.95.215; and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2670 and advanced the bill as amended by the Senate to final passage.

Representatives Delvin and Cooper spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Substitute House Bill No. 2670 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2670 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,

Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 2670, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 2000

Mr. Speaker:

The Senate has passed House Joint Memorial No. 4026 with the following amendment(s)

Beginning on page 1, after line 9, strike the remainder of the joint memorial and insert the following:

"WHEREAS, The state of Washington has embarked on a major salmon recovery effort as reflected in significant legislation enacted in 1998 and 1999; and

WHEREAS, The state of Washington has formulated a state-wide strategy to recover salmon; and

WHEREAS, The state of Washington has spent and is prepared to spend millions of dollars to protect and restore salmon populations; and

WHEREAS, The state of Washington is aggressively pursuing salmon recovery through a comprehensive undertaking in partnerships with federal agencies, Indian tribal nations, local governments, nonprofit organizations, and others; and

WHEREAS, The national marine fisheries service has listed under the federal endangered species act a number of salmon species that live in evolutionarily significant units within Washington state; and

WHEREAS, Predation by certain migratory birds such as the Caspian Tern is widely viewed as a significant issue for recovery of listed fish species throughout Washington inland and coastal waters; and

WHEREAS, The federal migratory bird treaty act of 1918, 16 U.S.C.A. Sec. 703 et seq., has proven ineffective in managing migratory bird predation on salmonids; and

WHEREAS, Washington's efforts toward salmon recovery, while addressing nearly all the factors that have led to the decline of salmon, cannot currently, because of federal law, effectively address predation by these migratory birds; and

WHEREAS, Public confidence and support of Washington's salmon recovery efforts will be diminished unless the interaction among migratory birds and salmonid populations is better understood and site-specific conflicts are addressed;

NOW, THEREFORE, Your Memorialists respectfully pray that Congress pass legislation that amends the federal migratory bird treaty act of 1918, 16 U.S.C.A. Sec. 703 et seq., to provide a more effective means to allow for the protection and restoration of salmonid populations.

Congress is further urged to:

(1) Fund joint federal and state research on migratory and resident predatory bird interactions with salmonids, especially site-specific investigations to determine the significance of migratory and resident bird predation on adult and juvenile salmonids for stock recovery, and to develop a cohesive conservation plan that balances protection of both migratory and resident birds and salmonids;

(2) Grant at least limited management authority for state and federal agencies to remove those migratory and resident birds preying on listed fish stocks at areas of restricted fish passage;

(3) Prohibit the relocation of predatory bird nesting areas that could result in shifting predation to salmonid stocks that need recovery in other geographic areas.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the United States House of Representatives Committee on Resources, the United States Senate Committee on Commerce, Science, and Transportation, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Joint Memorial 4026 and advanced the memorial as amended by the Senate to final passage.

Representatives Doumit and Buck spoke in favor of final passage of the memorial.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Joint Memorial 4026 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial 4026 as amended by the Senate and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Joint Memorial 4026, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2000

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5518,

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5610,

SENATE BILL NO. 6010,

SUBSTITUTE SENATE BILL NO. 6071,

SENATE BILL NO. 6154,
SENATE BILL NO. 6190,
SECOND SUBSTITUTE SENATE BILL NO. 6199,
SUBSTITUTE SENATE BILL NO. 6210,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6217,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6218,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6220,
ENGROSSED SENATE BILL NO. 6236,
SUBSTITUTE SENATE BILL NO. 6244,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6264,
SUBSTITUTE SENATE BILL NO. 6450,
SUBSTITUTE SENATE BILL NO. 6459,
SUBSTITUTE SENATE BILL NO. 6467,
SUBSTITUTE SENATE BILL NO. 6502,
SUBSTITUTE SENATE BILL NO. 6720,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed House Bill No. 2686 with the following amendment(s)

On page 8, after line 11, insert the following:

"**Sec. 2.** RCW 74.09.530 and 1979 c 141 s 345 are each amended to read as follows:

The amount and nature of medical assistance and the determination of eligibility of recipients for medical assistance shall be the responsibility of the department of social and health services. The department shall establish reasonable standards of assistance and resource and income exemptions which shall be consistent with the provisions of the Social Security Act and with the regulations of the secretary of health, education and welfare for determining eligibility of individuals for medical assistance and the extent of such assistance to the extent that funds are available from the state and federal government. The department shall not consider resources in determining continuing eligibility for recipients eligible under section 1931 of the social security act."

On page 1, line 1 of the title, after "resources;" insert "amending RCW 74.09.530;"

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2686 and advanced the bill as amended by the Senate to final passage.

Representatives Tokuda and D. Sommers spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of House Bill No. 2686 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2686 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Bill No. 2686, as amended by the Senate, having received the constitutional majority, was declared passed.

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4790, by Representatives Carlson, Kenney, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Chopp, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schindler, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood and Woods

WHEREAS, The students selected for special recognition as Washington Scholars in 2000 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such

as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's forty-nine legislative districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to each of the Washington Scholars selected in 2000.

There being no objection, House Resolution No. 2000-4790 was adopted.

HOUSE RESOLUTION NO. 2000-4787, by Representatives Mastin and Grant

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Touchet High School Indians Football Team exhibited the highest level of excellence in winning the 1999 Washington State High School "B-8" Championship, with a final championship game score of 42-36 over Neah Bay High School; and

WHEREAS, The Touchet High School Indians Football Team has an outstanding record, with the longest active winning streak (24 games) in the state of Washington, the 1999 "B-8" Championship being their second consecutive state championship and undefeated (12-0) season, their third state championship in the last six years, their fourth appearance in the state championship game in the last six years, and their fourth state championship overall; and

WHEREAS, The Touchet High School Indians Football Team demonstrated amazing skill and admirable sportsmanship in achieving these outstanding accomplishments; and

WHEREAS, Head Coach Wayne Dickey and Assistant Coaches Gary Dorman, LeLand Weber, and Donny Weaver, and all the players share in the Touchet High School Football Team's success by combining outstanding coaching with outstanding playing; and

WHEREAS, The Touchet High School Indians Football Team includes: Nathan Carlisle, All State Defense, 1st Team All Conference, Most Improved; Jeremiah Schuetze, Honor Student; Steven Alexenko, Honor Student; Darren Riggle, Honor Student; Nick Jaggar; Jose Godinez; Timothy Dickey, All State Offense, 1st Team All Conference, letters in three sports, Honor Student; Gerardo Solis, 2nd Team All Conference; Nick Tucker, Honor Student; Lincoln Short; Andrew Corla, All State Defense, 2nd Team All Conference, Team Captain, letters in three sports, ASB President (two years), Yearbook editor, Honor Student; Eric Lomell; George Martinez; Adam Sumpter, All State Defense, 1st Team All Conference, Team Captain; William Fowler; Josh Burrowes; Sergio Pedroza; Johnny Brown, Honor Student; Brandon Ingham, All State Defense, 2nd Team All Conference, Honor Student; Kevin Weaver; Chris Plucker, Honor Student; Christopher Fowler; John Davis; Luis Pedroza; Jarrad Miller, Honor Student; Tim Wagoner, 1st Team All Conference, letters in three sports, Honor Student; Todd Slater, All State Offense and Defense, 1st Team All Conference, Team Captain, Most Inspirational, National Honor Society President (two years); Steve Hudson; Tim Henrichs; and Toby Slater; and

WHEREAS, All these extraordinary accomplishments could not have been achieved without the support and encouragement of all the students, cheerleaders, band members, faculty, staff, alumni, families, friends, community members, and fans who backed them all the way; and

WHEREAS, The inspiring individual and team achievements of the 1999 Touchet High School Indians Football Team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious Touchet High School Indians Football Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the 1999 Touchet High School Indians Football Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the 1999 Touchet High School Indians Football Team Heid Coach Wayne Dickey, Touchet High School Principal Mark Heid, and School District Superintendent Dr. Samuel Gerla.

There being no objection, House Resolution No. 2000-4787 was adopted.

HOUSE RESOLUTION NO. 2000-4781, by Representatives Quall, Morris, Anderson and Barlean

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and

WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The Skagit Valley Tulip Festival begins the festival season in Washington state;

and

WHEREAS, This year's seventeenth annual event will run from March 31st through April 16th, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, This year's Tulip Festival Ambassadors will ably and personably perform their responsibilities as representatives of this festival; and

WHEREAS, More than half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event, and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's visitors will be greeted by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow, the fullness of life in the valley, and its wonderful people; and

WHEREAS, Highlights of the event include the Kiwanis Annual Salmon Barbeque, the Tulip Pedal Bike Ride, the Tulip 10k Slug Run/Walk, the Downtown Mount Vernon Street Fair, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives salute the seven communities of the Skagit Valley, their Chambers of Commerce, Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee for their Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington state to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Audrey Smith, Tulip Festival Executive Director, and the Skagit Valley Tulip Festival Ambassadors.

There being no objection, House Resolution No. 2000-4781 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2392 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that while government services are provided to the citizens of the state of Washington through many mechanisms, the most prevalent delivery of services occurs through city, county, or state government actions. Increased demand for these services and limited revenue to meet those services have led to unproductive competition between cities, counties, and the state for the revenue that is collected and shared between cities, counties, and the state.

Therefore, the legislature finds that there is a need to evaluate the delivery of government services, the allotment of revenues, and the collection and distribution of various fines and forfeitures through the establishment of a joint task force on local governments.

NEW SECTION. Sec. 2. (1) The joint task force on local governments is created, to consist of seventeen members including:

(a) The following four members of the house of representatives or their designees: (i) The chair and ranking minority member or the cochair of the committee on appropriations; and (ii) the chair and ranking minority member or the cochair of the committee on local government;

(b) The following four members of the senate or their designees: (i) The chair and the ranking minority member of the committee on ways and means; and (ii) the chair and ranking minority member of the committee on state and local government;

(c) One member from the office of the governor;

(d) Four members from the association of Washington cities;

(e) Two members from the Washington state association of counties; and

(f) Two members from the Washington association of county officials.

(2) The nonlegislative members of the task force shall serve without compensation, but will be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members of the task force will be reimbursed for travel expenses as provided in RCW 44.04.120. The staff of senate committee services and the office of program research of the house of representatives shall provide support to the task force.

(3) The task force must be cochaired by one senator, chosen by the task force, and one state representative, chosen by the task force, from opposite political parties. The cochair shall appoint experts and advisors as nonvoting members of the task force to provide information on various subjects, including but not limited to special purpose districts and public employee unions. The task force shall establish rules of procedure at its first meeting.

NEW SECTION. Sec. 3. The joint task force on local governments shall:

(1) Complete a thorough study of the delivery of government services, allotment of revenues, and collection and distribution of various fines and forfeitures; and

(2) Commence the study by July 1, 2000, present an interim report of its findings and any recommendations to the legislature by January 30, 2001, and present a final report, including proposed legislation, addressing its recommendations to the legislature by January 1, 2002.

NEW SECTION. Sec. 4. This act expires March 30, 2002."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Substitute House Bill No. 2392 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 6, 2000

Mr. Speaker:

The President of the Senate ruled the House amendment(s) to SENATE BILL NO. 5739 beyond the scope and object of the bill. The Senate refuses to concur in the House amendment(s), and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House receded from its amendment(s) to Senate Bill No. 5739 and advanced the bill to final passage.

Representatives Cody and Parlette spoke in favor of final passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Senate Bill No. 5739.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5739 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Senate Bill No. 5739, having received the constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., Wednesday, March 8, 2000, the 59th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTY EIGHTH DAY, MARCH 7, 2000

JOURNAL OF THE HOUSE

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

FIFTY NINTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 8, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shauna Walsh and Ryan Kenny. Prayer was offered by Representative John Pennington.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4794, by Representatives Carlson, Wensman, Skinner, Hankins, Linville, McDonald, Thomas, Dunn and Talcott

WHEREAS, It is essential that all citizens become more aware of the critical need for organ donations and transplantation; and

WHEREAS, There are currently over 42,000 courageous Americans awaiting a lifesaving organ transplant with 8 to 10 individuals losing their lives each day because of the shortage of donations; and

WHEREAS, Every 18 minutes a new name is added to the national organ transplant waiting list; and

WHEREAS, The thousands of good people who are in need of an organ donation and transplant unnecessarily suffer along with their loved ones and friends while waiting for a compatible donation and transplantation; and

WHEREAS, Today it is possible to transplant approximately 25 different organs and tissues, including liver, bone, bone marrow, cartilage, cornea, hearts, kidney, lung, and pancreas; and

WHEREAS, 18,000 organ transplants are performed each year, affording individuals the opportunity to once again lead normal and productive lives with most living healthy lives more than 5 years after surgery; and

WHEREAS, Acceptable organ donors can range in age from newborn to senior citizens; and

WHEREAS, Because of advances in medical technology and improved preservation techniques, donors in good health who have died suddenly - often through an accident - may have organs that can

continue to function and be donated and transplanted to preserve the health or save the life of another person; and

WHEREAS, Vital organs may be procured, preserved, and transported hundreds of miles to a recipient center for transplantation; and

WHEREAS, There are 69 organ procurement organizations across the country which provide procurement services to the 278 transplant centers nationwide; and

WHEREAS, It is possible for the organs, tissues, and corneas of a single donor to help or save as many as 25 other people; and

WHEREAS, An individual may indicate his or her wish to be a donor by signing a Uniform Organ Donor Card which can be obtained free of charge from doctors, pharmacies, and hospitals or by calling 1-800/24-DONOR; and

WHEREAS, Donation of organs is an opportunity to save lives at no cost to the donor or donor's family with all costs being paid by the recipient; and

WHEREAS, Non-Alcohol Steato-Hepatitis (NASH) is a rare liver disease which has no known cause, occurs among people who have never abused alcohol or drugs, affects only 5% of those with liver diseases, and has no cure; and

WHEREAS, Certain cherished individuals suffer from Non-Alcohol Steato-Hepatitis (NASH) which is a terminal condition unless these valued persons receive a liver donation and transplant;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express sincere encouragement to those in need of an organ donation and transplant, recognize the urgent and compelling need for organ donations and transplants, urge everyone who can to obtain and complete an organ donation card, and ask all the people of the state of Washington to voluntarily contribute resources to organ donation organizations nationwide.

Representative Carlson moved adoption of the resolution.

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

House Resolution No. 2000-4794 was adopted.

HOUSE RESOLUTION NO. 2000-4785, by Representatives Pennington, Ogden, Carlson, Kenney, Boldt, Mielke, Dunn, Van Luven, Wensman, Skinner, Hankins, Esser, Linville, Thomas, Hatfield, D. Schmidt and Lambert

WHEREAS, It is the policy of the House of Representatives to recognize excellence in all fields of endeavor; and

WHEREAS, Albert Bauer has honorably served the people of his community, his Legislative District, and the state of Washington with extraordinary excellence; and

WHEREAS, Albert Bauer was born in Lewistown, Montana in 1928; and

WHEREAS, Albert Bauer attended Clark Community College, 1948-1954 (service interrupted), graduated from Portland State College in 1957 with a B.A. in Political Science and History, and graduated from Oregon State College in 1958 with a Master's Degree in Education; and

WHEREAS, Albert Bauer was employed as a teacher in the La Center School District, 1958-1961, and the Vancouver School District, 1961-80; and

WHEREAS, Albert Bauer served in the Washington State House of Representatives as State Representative from the 49th Legislative District, 1971-1980; and

WHEREAS, Albert Bauer served as House Democratic Caucus Chairman, 1977-1980, and as K-12 Education Committee Chairman, 1973-1977; and

WHEREAS, Albert Bauer served in the Washington State Senate as State Senator from 1981 through the present with his term expiring in January 2001; and

WHEREAS, Albert Bauer served in Senate Legislative Leadership, including Senate Vice President Pro Tempore, 1999-2000, Senate Democratic Deputy Leader, 1991-1992, Senate Democratic Floor Leader, 1987-1990, and Senate Vice President Pro Tempore, 1986-87; and

WHEREAS, Albert Bauer served on many special committees, including Joint Legislative Audit and Review Committee (JLARC), 1989-present, K-20 Telecommunications Oversight & Policy Committee, 1996-present, Governor's Higher Education Task Force, 1995-1998, Joint Committee on Pension Policy, 1994-present, Governor's Committee on School Drop-outs, 1988-91, Governor's Special Levy Committee, 1987-88, Committee on Energy and Utilities, 1987-88, Legislative Systems Committee, 1987-88, Joint Select Committee on Juvenile Justice, 1987-88, and Higher Education/K-12 Study Committee on Policy, Management, and Structure (Paramount Duty), 1982-84; and

WHEREAS, Albert Bauer has received many honors and recognitions, including Six Years U.S. Navy, Good Conduct Korean Theater, United Nations Medals, Washington State School Principals' Legislator of the Year Award, Mother Joseph Legislative Award, Betty Sharff Memorial Award, HOSTS Corporation, Personal Commitment to Improve Education, Phi Delta Kappa Award, Bauer Hall, Clark College, dedicated 1988, and Washington State Educational Service District's Walter G. Turner Award; and

WHEREAS, Albert Bauer has been involved in many civic groups and activities, including American Legion Post #176, American Legion 40 et 8, Local 99, Salmon Creek Grange, Salmon Creek Methodist Church, and Greater Vancouver Kiwanis; and

WHEREAS, Albert Bauer and his wife, Patricia, have three children, Sue, Jim, and Nancy, and five wonderful grandchildren; and

WHEREAS, Albert Bauer has served sacrificially throughout his long and distinguished career as an outstanding role model for the young people of this state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Albert Bauer for his years of dedicated commitment, his personal and professional integrity, and his respect and admiration for the institutions that he worked so diligently for; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Albert Bauer.

Representative Pennington moved adoption of the resolution.

Representatives Pennington, Carlson, McDonald, Doumit, Rockefeller, Wolfe, Van Luven, Kenney, Conway, H. Sommers, Lambert, Fisher, Delvin, Lisk and Dunn spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4785 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Ogden presiding) introduced Senator Albert Bauer and asked the Chamber to acknowledge him. Senator Bauer addressed the Chamber.

HOUSE RESOLUTION NO. 2000-4789, by Representatives Murray and Wensman

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Seattle Prep Panthers Basketball Team won the 2000 3A State Basketball Championship; and

WHEREAS, The Seattle Prep Basketball Coaches showed leadership and skill in focusing their team on accomplishing their goal of winning the State 3A Basketball Championship with a 26-5 winning record; and

WHEREAS, The Panther team wishes to acknowledge the dedication of the seniors for their loyalty and contributions to the Seattle Prep Basketball program; and

WHEREAS, Seattle Prep's Eric Bond was selected as the 2000 3A State Tournament Most Valuable Player and Eric Bond and Jeffrey Day were selected as members of the All Tournament Team; and

WHEREAS, Seattle Preparatory School has served as a learning institution on Seattle's Capitol Hill for 109 years; and

WHEREAS, Seattle Preparatory School also received WIAA recognition for having the 3A Football Team with the highest Grade Point Average of all 3A schools in the state and boasts the 3A Cross Country Individual State Champion, Megan Johnson;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Seattle Prep Panthers Basketball Team and Coach Chris Miller, a Seattle Prep Graduate, and his assistant coaches for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Coach Chris Miller, the members of the Seattle Prep Panthers Basketball Team, the principal, and the faculty of Seattle Preparatory School.

Representative Murray moved adoption of the resolution.

Representatives Murray, Quall and Wensman spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4789 was adopted.

HOUSE RESOLUTION NO. 2000-4779, by Representatives Regala, Wensman, Hankins, Esser, Linville, Thomas and Dunn

WHEREAS, The Washington State Legislature has designated that the second Wednesday in April each year is celebrated as Arbor Day; and

WHEREAS, Arbor Day is a day to recognize our state tree, the western hemlock, and state flower, the rhododendron; and

WHEREAS, Arbor Day is a traditional day for the planting of trees and shrubs by citizens in the state of Washington; and

WHEREAS, Arbor Day has been celebrated in Washington since 1917 when Governor Ernest Lister conducted the first official observance; and

WHEREAS, Nurseries, orchards, tree farms, public and private forests, horticulturists, and home orchards and gardens all add to the beauty and vigor of our state; and

WHEREAS, Arbor Day focuses community attention on planting trees while educating school children and community groups about the value of trees; and

WHEREAS, Arbor Day is a symbolic day to recognize the importance of trees and shrubs to the environment, in neighborhoods and communities, in the state's agricultural and timber-based economy, and the importance of continued regeneration of our renewable resources; and

WHEREAS, The state of Washington is appropriately called the Evergreen State due to the significant contribution that trees and plants have on our state's natural beauty and environment, and the quality of life of our citizens; and

WHEREAS, By observing Arbor Day every year, the citizens of the state can show their appreciation for the state's natural resources, the full range of benefits that are provided from trees and shrubs in the state, and the importance of planting trees and shrubs throughout the year; and

WHEREAS, The Community and Urban Forestry Council was established by the legislature in 1991 to empower communities to preserve, plant, and maintain trees in their communities; and

WHEREAS, Currently cities in Washington are recognized as Tree City USA cities; and

WHEREAS, October is the preferred month for the care and planting of many species of trees;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives proclaim April 12, 2000, as Arbor Day and encourage residents to plant a tree or shrub and celebrate this day and also proclaim the month of October as Urban and Community Forestry month and urge residents to celebrate by planting and caring for trees, and by identifying significant and historic trees in their community.

There being no objection, House Resolution No. 2000-4779 was adopted.

HOUSE RESOLUTION NO. 2000-4793, by Representatives Cooper, Radcliff and Quall

WHEREAS, The Meadowdale High School Mavericks, a girls' basketball team, won the state 3A tournament; and

WHEREAS, The Mavericks had a regular season record of twelve wins, eight losses, plus three wins and one loss in 3A Northwest Districts, and four wins in 3A state play; and

WHEREAS, Meadowdale's Mavericks have been to the State Tournament seven times, including each of the last five years; and

WHEREAS, The Mavericks finished second in last year's tournament; and

WHEREAS, Team head coach Karen Blair, herself a Meadowdale High School graduate, is serving her sixth year as head coach; and

WHEREAS, Coach Blair has led the Mavericks to an amazing record of 135 wins and 27 losses in those six years;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives honor the 3A champion Meadowdale High School Mavericks, their coaches Karen Blair, Leah Johnson, John Pope, and Lisa Hoppe, and team members Audrey Hutchison, Yvette Avila, Anne Dawson, Jacci Baker, Kristen O'Neill, Jane Ireland, Tara Jacob, Leslie Martin, Jennie Swerk, Alecia Suelzle, and Kristy Hoffman.

There being no objection, House Resolution No. 2000-4793 was adopted.

MESSAGES FROM THE SENATE

March 7, 2000

Mr. Speaker:

The Senate has concurred in the House amendment(s) and has passed the following bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,

SUBSTITUTE SENATE BILL NO. 5924,

SUBSTITUTE SENATE BILL NO. 6294,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6305,

SUBSTITUTE SENATE BILL NO. 6361,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6400,

SENATE BILL NO. 6431,

SUBSTITUTE SENATE BILL NO. 6454,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6455,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6487,

SUBSTITUTE SENATE BILL NO. 6557,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6559,

SENATE BILL NO. 6570,
SUBSTITUTE SENATE BILL NO. 6663,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6676,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6731,
SECOND SUBSTITUTE SENATE BILL NO. 6811,
SUBSTITUTE SENATE BILL NO. 6812,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 7, 2000

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5924,
SUBSTITUTE SENATE BILL NO. 6294,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6305,
SUBSTITUTE SENATE BILL NO. 6361,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6400,
SENATE BILL NO. 6431,
SUBSTITUTE SENATE BILL NO. 6454,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6455,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6731,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 7, 2000

Mr. Speaker:

The Senate receded from its amendment(s) to ENGROSSED HOUSE BILL NO. 2648, and passed the bill without said amendment(s),

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 7, 2000

Mr. Speaker:

The Senate receded from the striking amendment(s) (#215) to HOUSE BILL NO. 2595, adopted on March 2, 2000 and passed the bill without said amendment(s),

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 8, 2000

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 6676,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 8, 2000

Mr. Speaker:

The President has signed SENATE BILL NO. 5739,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 8, 2000

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6487,

SUBSTITUTE SENATE BILL NO. 6557,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6559,

SENATE BILL NO. 6570,

SUBSTITUTE SENATE BILL NO. 6663,

SECOND SUBSTITUTE SENATE BILL NO. 6811,

SUBSTITUTE SENATE BILL NO. 6812,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKERS

The Speakers signed:

HOUSE BILL NO. 1070,
SUBSTITUTE HOUSE BILL NO. 1218,
HOUSE BILL NO. 2330,
SUBSTITUTE HOUSE BILL NO. 2332,
SUBSTITUTE HOUSE BILL NO. 2338,
SUBSTITUTE HOUSE BILL NO. 2345,
SUBSTITUTE HOUSE BILL NO. 2348,
ENGROSSED HOUSE BILL NO. 2424,
HOUSE BILL NO. 2449,
HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2454,
HOUSE BILL NO. 2495,
HOUSE BILL NO. 2505,
HOUSE BILL NO. 2520,
HOUSE BILL NO. 2522,
SUBSTITUTE HOUSE BILL NO. 2644,
ENGROSSED HOUSE BILL NO. 2561,
HOUSE BILL NO. 2576,
HOUSE BILL NO. 2579,
SUBSTITUTE HOUSE BILL NO. 2599,
HOUSE BILL NO. 2600,
SUBSTITUTE HOUSE BILL NO. 2649,
ENGROSSED HOUSE BILL NO. 2755,
HOUSE BILL NO. 2774,

HOUSE BILL NO. 2853,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2934,
SUBSTITUTE HOUSE BILL NO. 3032,
ENGROSSED HOUSE BILL NO. 3105,

Speaker Chopp assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that fewer than five percent of all drivers use child booster seats for children over the age of four years. The legislature also recognizes that seventy-one percent of deaths resulting from car accidents could be eliminated if every child under the age of sixteen used an appropriate child safety seat, booster seat, or seat belt. The legislature further recognizes the National Transportation Safety Board's recommendations that promote the use of booster seats to increase the safety of children under eight years of age. Therefore, it is the legislature's intent to decrease deaths and injuries to children by promoting safety education and injury prevention measures, as well as increasing public awareness on ways to maximize the protection of children in vehicles.

Sec. 2. RCW 46.61.687 and 1994 c 100 s 1 are each amended to read as follows:

(1) Whenever a child who is less than ~~((ten))~~ sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than eight years old and/or eighty pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;

(c) If the child is more than one but less than ~~((three))~~ four years of age and/or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system ~~((that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system));~~

~~((b))~~ (d) If the child is less than ~~((ten))~~ eight years of age and/or eighty pounds but at least ~~((three))~~ four years of age, the child shall be properly restrained ~~((either as specified in (a) of this subsection or with a safety belt properly adjusted and fastened around the child's body-))~~ in a child booster seat;

(e) If the child is eight years of age or older or weighs more than eighty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body; and

(f) Enforcement of (a) through (e) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (e) of this subsection.

(g) The driver of a vehicle transporting a child under the age of eight years old and/or eighty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (d) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, ~~((and))~~ (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) The requirements of subsection (1)(a) through (d) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

Sec. 3. RCW 46.61.688 and 1990 c 250 s 58 are each amended to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device under RCW 46.61.687.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7)(a) Enforcement of subsection (4) of this section by law enforcement officers may be accomplished as a primary action.

(b) Enforcement of subsections (1) through (3) and (5) through (9) of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

NEW SECTION. Sec. 4. A new section is added to chapter 46.61 RCW to read as follows:
The traffic safety commission shall conduct an educational campaign using all available methods to raise public awareness of the importance of properly restraining child passengers and the value of seatbelts to adult motorists. The traffic safety commission shall report to the transportation committees of the legislature on the campaign and results observed on the highways. The first report is due December 1, 2000, and annually thereafter.

NEW SECTION. Sec. 5. A new section is added to chapter 46.61 RCW to read as follows:
This act may be known and cited as the Anton Skeen act.

NEW SECTION. Sec. 6. This act takes effect January 1, 2001."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 46.61.687 and 46.61.688; adding new sections to chapter 46.61 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate amendments to Engrossed Substitute House Bill No. 2675, and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2000

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The intent of this act is to protect the health and safety of the citizens of the state of Washington and the quality of the state's environment by developing and implementing environmental and public safety measures applicable to persons transporting hazardous liquids and gas by pipeline within the state of Washington. The legislature finds that public safety and the environment may best be protected by adopting standards that are equal to, or more stringent than, those adopted by the federal government, so long as they do not impermissibly interfere with interstate commerce.

(2) The legislature recognizes that additional federal authority is needed to implement a comprehensive pipeline safety program and by this act and other measures directs the state to seek that authority.

(3) It is also the intent of the legislature that the governor work with the state congressional delegation in seeking:

(a) To amend the federal pipeline safety act to delegate authority to qualified states to adopt and enforce standards equal to or more stringent than federal standards;

(b) State authority to administer and enforce federal requirements related to pipeline safety; and

(c) Higher levels of funding for state and federal pipeline safety activities and for states to respond to pipeline accident emergencies.

(4) While the legislature acknowledges that serious accidents have occurred for hazardous liquid and gas pipelines in this nation and elsewhere, it recognizes that there are fundamental differences between hazardous liquid pipelines and gas pipelines and that a different system of safety regulations must be applied for each kind of pipeline.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Department" means the department of ecology.

(3) "Failsafe" means a design feature that will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or control device.

(4) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(5) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide.

(6) "Local government" means a political subdivision of the state or a city or town.

(7) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any political subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(8) "Pipeline" or "pipeline system" means all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines.

(9) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid.

(10) "Reportable release" means a spilling, leaking, pouring, emitting, discharging, or any other uncontrolled escape of a hazardous liquid in excess of one barrel, or forty-two gallons.

(11) "Safety management systems" means management systems that include coordinated and interdisciplinary evaluations of the effect of significant changes to a pipeline system before such changes are implemented.

(12) "Transfer pipeline" means a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, or tank vessel or storage tanks.

Sec. 3. RCW 81.88.040 and 1998 c 123 s 1 are each amended to read as follows:

(1) ~~((The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Pipeline company" means a person or entity constructing, owning, or operating an intrastate pipeline for transporting hazardous liquid, whether or not such a person or entity is a public service company otherwise regulated by the commission.))~~ For the purposes of this section, a pipeline company does not include: ~~((+))~~ (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or ~~((+))~~ (b) excavation contractors or other contractors that contract with a pipeline company.

~~((b) "Hazardous liquid" means: (i) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (ii) carbon dioxide. The commission by rule may incorporate by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).))~~

~~(2) ((The commission shall adopt by rule intrastate pipeline safety standards for pipeline transportation and pipeline facilities that: (a) Apply to pipeline companies transporting hazardous liquids; (b) cover the design, construction, and operation of pipelines transporting hazardous liquids; and (c) require pipeline companies to design, construct, and maintain their pipeline facilities so they are safe and efficient.~~

~~(3)) A person, officer, agent, or employee of a pipeline company who, as an individual or acting as an officer, agent, or employee of such a company, violates or fails to comply with this ((section)) chapter or a rule adopted under this section, or who procures, aids, or abets another person or entity in the violation of or noncompliance with this section or a rule adopted under this section, is guilty of a gross misdemeanor.~~

~~((4)) (3)(a) A pipeline company, or any person, officer, agent, or employee of a pipeline company that violates a provision of this section, or a rule adopted under this section, is subject to a civil penalty to be assessed by the commission.~~

~~(b) The commission shall adopt rules: (i) Setting penalty amounts, but may not exceed the penalties specified in the federal pipeline safety laws, 49 U.S.C. Sec. 60101 et seq.; and (ii) establishing procedures for mitigating penalties assessed((; and (iii) incorporating by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4)).~~

~~(c) In determining the amount of the penalty, the commission shall consider: (i) The appropriateness of the penalty in relation to the position of the person charged with the violation; (ii) the gravity of the violation; and (iii) the good faith of the person or company charged in attempting to achieve compliance after notification of the violation.~~

~~(d) The amount of the penalty may be recovered in a civil action in the superior court of Thurston county or of some other county in which the violator may do business. In all actions for recovery, the rules of evidence shall be the same as in ordinary civil actions. All penalties recovered under this section must be paid into the state treasury and credited to the public service revolving fund.~~

~~(4) The commission shall adopt rules incorporating by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).~~

~~(5) The commission shall also have the power of injunctive relief, as required by 49 U.S.C. Sec. 60105(b), to enforce the provisions of this chapter.~~

~~(6) Nothing in this section duplicates the authority of the energy facility site evaluation council under chapter 80.50 RCW.~~

NEW SECTION. Sec. 4. (1) The hazardous liquid pipeline safety account is created in the custody of the state treasurer. All receipts from the federal office of pipeline safety and any other state or federal funds provided for hazardous liquid pipeline safety must be deposited in the account, except as provided in subsection (2) of this section. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding pipeline safety.

(2) Federal funds received before June 30, 2001, shall be treated as receipt of unanticipated funds and expended, without appropriation, for the designated purposes.

NEW SECTION. Sec. 5. (1) A comprehensive program of hazardous liquid pipeline safety is authorized by sections 2, 4, 5, 9, 11, 13, and 19 of this act, and RCW 81.88.040 to be developed and implemented consistent with federal law. Except as provided in subsection (6) of this section, the commission shall administer and enforce all laws related to hazardous liquid pipeline safety.

(2) The commission shall adopt rules for pipeline safety standards for hazardous liquid pipeline transportation that:

(a) Require pipeline companies to design, construct, operate, and maintain their pipeline facilities so they are safe and efficient;

(b) Require pipeline companies to rapidly locate and isolate all reportable releases from hazardous liquid pipelines, that may include:

(i) Installation of remote control shut-off valves; and

(ii) Installation of remotely monitored pressure gauges and meters;

(c) Require the training and certification of personnel who operate hazardous liquid pipelines and the associated systems;

(d) Require reporting of emergency situations, including emergency shutdowns and material defects or physical damage that impair the serviceability of a pipeline; and

(e) Require hazardous liquid pipeline companies to submit operations safety plans to the commission once every five years, as well as any amendments to the plan made necessary by changes to the pipeline system or its operation. The safety plan shall include emergency response procedures.

(3) The commission shall approve operations safety plans if they have been deemed fit for service. A plan shall be deemed fit for service when it provides for pipelines that are designed, developed, constructed, operated, and periodically modified to provide for protection of public safety and the environment. Pipeline operations safety plans shall, at a minimum, include:

(a) A schedule of inspection and testing within the pipeline distribution system of:

(i) All mechanical components;

(ii) All electronic components; and

(iii) The structural integrity of all pipelines as determined through pressure testing, internal inspection tool surveys, or another appropriate technique;

(b) Failsafe systems;

(c) Safety management systems; and

(d) Emergency management training for pipeline operators.

(4) The commission shall coordinate information related to pipeline safety by providing technical assistance to local planning and siting authorities.

(5) The commission shall evaluate, and consider adopting, proposals developed by the federal office of pipeline safety, the national transportation safety board, and other agencies and organizations related to methods and technologies for testing the integrity of pipeline structure, leak detection, and other elements of pipeline operation.

(6) The authorities of sections 2, 4, 5, 9, 11, 13, and 19 of this act, and RCW 81.88.040 relating to hazardous liquid pipeline safety shall be transferred from the commission to the department pursuant to section 13 of this act upon the occurrence of either:

(a) Amendments to federal pipeline safety laws to eliminate preemption of state authority to regulate safety requirements for such pipelines; or

(b) The granting of federal authority to the state to enforce or adopt any safety requirements for interstate hazardous liquid pipelines.

NEW SECTION. Sec. 6. (1) The commission shall develop, in consultation with representatives of owners and operators of hazardous liquid pipelines and gas pipelines, local governments, and the excavation and construction industries: (a) A curricula aimed at the prevention of third-party excavation damage to hazardous liquid pipelines and gas pipelines; and (b) a plan for distribution of the curricula.

(2) The curricula shall include training on:

(a) Prevention of damage to pipelines;

(b) The danger involved if a pipeline is damaged;

(c) The significance of pipeline damage that does not cause immediate failure; and

(d) The importance of immediately reporting damage to a pipeline and the importance of immediately repairing a damaged pipeline.

NEW SECTION. Sec. 7. (1) The commission shall require hazardous liquid pipelines, and gas pipeline companies with gas transmission pipelines or gas pipelines operating over two hundred fifty pounds per square inch gauge, to provide maps of their pipeline to specifications developed by the commission sufficient to meet the needs of first responders including installation depth information when known.

(2) The commission shall evaluate the sufficiency of the maps and consolidate the maps into a state-wide geographic information system. The commission shall assist local governments in obtaining pipeline location information and maps. The maps shall be made available to the one-number locator services as provided in chapter 19.122 RCW. The mapping system shall be compatible with the United States department of transportation national pipeline mapping program.

(3) The mapping system shall be completed by January 1, 2006, and periodically updated thereafter. The commission shall develop a plan for funding the geographic information system and report its recommendations to the legislature by December 15, 2000.

NEW SECTION. Sec. 8. A new section is added to chapter 43.110 RCW to read as follows:

The municipal research council shall, by June 30, 2001, develop and periodically update, for the consideration by local governments:

(1) A model ordinance that establishes setback and depth requirements for new hazardous liquid and gas pipeline construction; and

(2) A model franchise agreement for jurisdictions through which a hazardous liquid or gas pipeline is located.

NEW SECTION. Sec. 9. (1) The commission and the department shall apply for federal designation of the state's program for the purposes of enforcement of federal hazardous liquid pipeline safety requirements. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the department, at a minimum, shall do the following:

(a) Inspect hazardous liquid pipelines periodically as specified in the inspection program;

(b) Collect fees;

(c) Order and oversee the testing of hazardous liquid pipelines as authorized by federal law and regulation; and

(d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission and the department shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate hazardous liquid pipelines.

(3) Upon designation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the department shall adopt rules for interstate pipelines that are no less stringent than the state's laws and rules for intrastate hazardous liquid pipelines.

NEW SECTION. Sec. 10. A new section is added to chapter 80.28 RCW to read as follows:

(1) The commission shall seek and accept federal designation of the commission's inspectors as federal agents for the purposes of enforcement of federal laws covering gas pipeline safety and the associated federal rules, as they exist on the effective date of this section. The commission shall establish and submit to the United States secretary of transportation an inspection program that complies with requirements for delegated interstate agent inspection authority. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the commission, at a minimum, shall do the following:

(a) Inspect gas pipelines periodically as specified in the inspection program;

(b) Collect fees;

(c) Order and oversee the testing of gas pipelines as authorized by federal law and regulation; and

(d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate gas pipelines.

(3) Upon designation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the commission shall adopt rules for interstate gas pipelines that are no less stringent than the state's laws and rules for intrastate gas pipelines.

NEW SECTION. Sec. 11. The commission may inspect any record, map, or written procedure required by federal law to be kept by a hazardous liquid pipeline company concerning the reportable releases, and the design, construction, testing, or operation and maintenance of hazardous liquid pipelines.

NEW SECTION. Sec. 12. A new section is added to chapter 80.28 RCW to read as follows:
The commission may inspect any record, map, or written procedure required by federal law to be kept by a gas pipeline company concerning the reporting of gas releases, and the design, construction, testing, or operation and maintenance of gas pipelines.

NEW SECTION. Sec. 13. (1) All powers, duties, and functions of the utilities and transportation commission pertaining to hazardous liquid pipeline safety, except economic regulatory authority under chapters 81.88, 80.24, and 81.24 RCW, are transferred to the department of ecology effective upon the department's receipt of any delegated federal authority over interstate hazardous liquid pipelines, or upon such earlier date as the office of financial management may determine in the event that federal law is amended to remove all or part of the federal preemption of state regulation of hazardous liquid pipelines. The timing of the transfer shall be facilitated by a memorandum of agreement between the two agencies, with any disputes resolved by the office of financial management. All references to the commission or the utilities and transportation commission in the Revised Code of Washington shall be construed to mean the director or the department of ecology when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the department of ecology. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of ecology.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall be transferred and credited to the department of ecology under the agreement authorized in subsection (1) of this section.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of ecology. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of ecology. All existing contracts and obligations shall remain in full force and shall be performed by the department of ecology.

(5) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 14. (1) The citizens committee on pipeline safety is established to advise the state agencies and other appropriate federal and local government agencies and officials on matters relating to pipeline safety, routing, construction, operation, and maintenance. The committee shall have thirteen total members who shall be appointed by the governor to staggered three-year terms and shall consist of: (a) Nine members representing local government, including elected officials and the public; and (b) four nonvoting members, representing owners and operators of hazardous liquid and gas pipelines. The committee shall review and comment on proposed rules and the operation of the state pipeline safety programs.

(2) The committee may create one or more technical advisory committees comprised of gas and hazardous liquid pipeline owners or operators, agency representatives, natural resource and environmental interests, or other interested parties.

(3) The committee established in subsection (1) of this section constitutes a class one group under RCW 43.03.220. Expenses for this group, as well as staff support, shall be provided by the utilities and transportation commission and, if additional pipeline authority is transferred to it, the department of ecology.

NEW SECTION. Sec. 15. A new section is added to chapter 19.122 RCW to read as follows:

(1) By December 31, 2000, the utilities and transportation commission shall cause to be established a single state-wide toll-free telephone number to be used for referring excavators to the appropriate one-number locator service.

(2) The utilities and transportation commission, in consultation with the Washington utilities coordinating council, shall establish minimum standards and best management practices for one-number locator services consistent with the recommendations of the governor's fuel accident prevention and response team issued in December 1999. By December 31, 2000, the commission shall provide its recommendations to the appropriate standing committees of the house of representatives and the senate.

(3) One-number locator services shall be operated by nongovernmental agencies.

Sec. 16. RCW 19.122.030 and 1988 c 99 s 1 are each amended to read as follows:

(1) Before commencing any excavation, excluding agriculture tilling of soil less than twelve inches in depth, the excavator shall provide notice of the scheduled commencement of excavation to all owners of underground facilities through a one-number locator service.

(2) All owners of underground facilities within a one-number locator service area shall subscribe to the service. One-number locator service rates for cable television companies will be based on the amount of their underground facilities. If no one-number locator service is available, notice shall be provided individually to those owners of underground facilities known to or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated to the owners of underground facilities not less than two business days or more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the parties. The notice shall also comply with the requirements of section 20 of this act.

(3) Upon receipt of the notice provided for in this section, the owner of the underground facility shall provide the excavator with reasonably accurate information as to its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities shall provide the excavator with the best available information as to their locations. The owner of the underground facility providing the information shall respond no later than two business days after the receipt of the notice or before the excavation time, at the option of the owner, unless otherwise agreed by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, the excavator is responsible for maintaining the markings. Excavators shall have the right to receive

compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this section.

(4) The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two business days prior to the excavation from the excavator.

(5) An owner of underground facilities is not required to indicate the presence of existing service laterals or appurtenances if the presence of existing service laterals or appurtenances on the site of the construction project can be determined from the presence of other visible facilities, such as buildings, manholes, or meter and junction boxes on or adjacent to the construction site.

(6) Emergency excavations are exempt from the time requirements for notification provided in this section.

(7) If the excavator, while performing the contract, discovers underground facilities which are not identified, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number locator service.

NEW SECTION. Sec. 17. A new section is added to chapter 19.122 RCW to read as follows:

When the excavator contacts the one-number locator service under RCW 19.122.030(1), the excavator shall notify the service if surface markings or other information indicates that the excavation work, excluding agricultural tilling less than twelve inches in depth, is to occur within five feet of a hazardous liquid pipeline or gas transmission pipeline. The one-number locator service shall inform the pipeline company that owns or operates the pipeline that excavation is to occur within five feet of their pipeline and inform the company that its representative must be on-site, prior to the start of excavation.

Sec. 18. RCW 19.122.050 and 1984 c 144 s 5 are each amended to read as follows:

An excavator who, in the course of excavation, contacts or damages an underground facility shall immediately notify the utility owning or operating such facility and the state-wide one-number (~~locator~~) referral service. If the damage causes an emergency condition, the excavator causing the damage shall also immediately alert the appropriate local public safety agencies and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.

(2) The owner of the underground facilities damaged shall arrange for repairs or relocation as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

NEW SECTION. Sec. 19. A new section is added to chapter 48.48 RCW to read as follows:

(1) The chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, shall, in consultation with the emergency management program within the state military department, the department of ecology, the utilities and transportation commission, and local emergency services organizations:

(a) Evaluate the preparedness of local first responders in meeting emergency management demands under subsection (2) of this section; and

(b) Conduct an assessment of the equipment and personnel needed by local first responders to meet emergency management demands related to pipelines.

(2) The chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall develop curricula for training local first responders to deal with hazardous liquid and gas pipeline accidents. The curricula shall be developed in conjunction with pipeline companies and local first responders, and shall include a timetable and costs for providing training as defined in the curricula to all communities housing pipelines. Separate curricula shall be developed for hazardous liquid and gas pipelines so that the differences between pipelines may be recognized and appropriate accident responses provided. The need for a training program for regional incident management teams shall also be evaluated.

(3) In consultation with other relevant agencies, the chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall identify the need and means for achieving consistent application of the national interagency incident management system.

(4) For the purposes of this section, "local first responders" means police, fire, emergency medical staff, and volunteers.

NEW SECTION. Sec. 20. (1) A pipeline company that has been notified by an excavator pursuant to RCW 19.122.050 that excavation work will occur within five feet of a hazardous liquid pipeline shall ensure that the pipeline company's representative is on-site during the excavation within the five foot zone. The pipeline company has the discretion to require that the pipeline section in the vicinity of the excavation is fully uncovered and examined for damage prior to being reburied.

(2) Immediately upon receiving information of third-party damage to a pipeline owned or operated by a pipeline company, that company shall visually inspect the pipeline. After visual inspection, a pipeline company shall determine whether the pipeline section that has sustained third-party damage should be replaced or repaired. A record of the company's inspection report and test results shall be provided to the commission within fourteen calendar days of the inspection.

(3) Pipeline companies shall immediately notify local first responders and the department of any reportable release from a hazardous liquid pipeline.

NEW SECTION. Sec. 21. A new section is added to chapter 80.28 RCW to read as follows:

(1) A gas pipeline company that has been notified by an excavator pursuant to RCW 19.122.050 that excavation work will occur within five feet of a gas transmission pipeline shall ensure that the pipeline company's representative is on-site during the excavation within the five foot zone. The gas pipeline company has the discretion to require that the pipeline section in the vicinity of the excavation is fully uncovered and examined for damage prior to being reburied.

(2) Immediately upon receiving information of third-party damage to any gas pipeline owned or operated by a gas pipeline company, that company shall visually inspect the pipeline. After visual inspection, a gas pipeline company shall determine whether the pipeline section that has sustained third-party damage should be replaced or repaired. A record of the company's inspection report and test results shall be provided to the commission within fourteen calendar days of the inspection.

(3) Pipeline companies shall immediately notify local first responders and the commission of any blowing gas leak from a gas pipeline that has ignited or represents a probable hazard to persons or property.

NEW SECTION. Sec. 22. A new section is added to chapter 19.122 RCW to read as follows:

Any person who willfully damages or removes a permanent marking used to identify an underground facility, or a temporary marking prior to its intended use, is subject to a civil penalty of not more than one thousand dollars for each act.

NEW SECTION. Sec. 23. A new section is added to chapter 19.122 RCW to read as follows:

(1) Any person who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation.

(2) Any person who excavates within five feet of a hazardous liquid pipeline or gas transmission pipeline without the pipeline company's representative on-site, is subject to a civil penalty of not more than ten thousand dollars for each violation.

(3) All civil penalties recovered under subsections (1) and (2) of this section shall be deposited in the general fund and expended for the purpose of enforcement of hazardous liquid and gas pipeline safety laws.

(4) For the purposes of this section and section 17 of this act: (a) "Hazardous liquid" means: (i) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (ii) carbon dioxide. The utilities and transportation commission by rule may incorporate by reference other substances designated as hazardous by the secretary of

transportation under 49 U.S.C. Sec. 60101(a)(4); and (b) "gas" means natural gas, flammable gas, or toxic or corrosive gas.

NEW SECTION. **Sec. 24.** A pipeline containing petroleum or petroleum products that is wholly owned by an individual and which pipeline is located wholly on the individual's property, that is not adjoining marine waters, is exempt from the provisions of this chapter. This exemption applies only for pipelines that do not have any connections to pipelines or facilities that extend beyond the pipeline owner's property and the petroleum or petroleum products must be for use only at that location.

NEW SECTION. **Sec. 25.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 26.** This act may be known and cited as the Washington state pipeline safety act.

NEW SECTION. **Sec. 27.** Sections 1, 2, 4 through 7, 9, 11, 13, 14, 20, and 24 through 26 of this act are each added to chapter 81.88 RCW.

NEW SECTION. **Sec. 28.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 81.88.040, 19.122.030, and 19.122.050; adding new sections to chapter 81.88 RCW; adding a new section to chapter 43.110 RCW; adding new sections to chapter 80.28 RCW; adding new sections to chapter 19.122 RCW; adding a new section to chapter 48.48 RCW; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate amendments to Engrossed Second Substitute House Bill No. 2420, and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 3/2000

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2985 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 58.17.020 and 1995 c 32 s 2 are each amended to read as follows:

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(1) "Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in subsection (6) of this section.

(2) "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

(3) "Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

A dedication of an area of less than two acres for use as a public park may include a designation of a name for the park, in honor of a deceased individual of good character.

(4) "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

(5) "Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.

(6) "Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership(~~(= PROVIDED, That)~~). However, the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine. The legislative authority of any county planning under RCW 36.70A.040 that has adopted a comprehensive plan and development regulations in compliance with chapter 36.70A RCW may by ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine in any urban growth area.

(7) "Binding site plan" means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

(8) "Short plat" is the map or representation of a short subdivision.

(9) "Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(10) "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

(11) "County treasurer" shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

(12) "County auditor" shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

(13) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

(14) "Planning commission" means that body as defined in chapter((s)) 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

(15) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter.

Sec. 2. RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each amended to read as follows:

(1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or

alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

(3) The legislative body of a city, town, or county may by ordinance exempt short plats or short subdivisions from the requirements in subsection (1) of this section in which the division is for the purpose of establishing a site solely used for an uninhabited public or private utility or telecommunications facility, provided a record survey is recorded per chapter 58.09 RCW.

Sec. 3. RCW 58.17.070 and 1981 c 293 s 4 are each amended to read as follows:

A preliminary plat of proposed subdivisions and dedications of land shall be submitted for approval to the ~~((legislative body of the))~~ city, town, or county within which the plat is situated.

Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

Sec. 4. RCW 58.17.100 and 1995 c 347 s 428 are each amended to read as follows:

If a city, town, or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town, or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town, or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town, or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, the legislative body shall adopt its own recommendations and approve or disapprove the preliminary plat.

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town, or county authority and shall be open to public inspection.

~~((Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.))~~ Any party of record to a final decision by the planning commission to disapprove a final plat may appeal that decision to the city, town, or county within fourteen days following the party's receipt of the planning commission's decision.

Sec. 5. RCW 58.17.110 and 1995 c 32 s 3 are each amended to read as follows:

(1) The city, town, or county (~~legislative body~~) shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county (~~legislative body~~) makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the (~~legislative body~~) city, town, or county shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The (~~legislative body~~) city, town, or county shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county (~~legislative body~~) must adopt the designated name.

Sec. 6. RCW 58.17.120 and 1974 ex.s. c 134 s 6 are each amended to read as follows:

The city, town, or county (~~legislative body~~) shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

No plat shall be approved by any city, town, or county (~~legislative authority~~) covering any land situated in a flood control zone as provided in chapter 86.16 RCW without the prior written approval of the department of ecology of the state of Washington.

Sec. 7. RCW 58.17.130 and 1974 ex.s. c 134 s 7 are each amended to read as follows:

Local regulations shall provide that in lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the city, town, or county (~~legislative body~~) may accept a bond, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the municipality the actual construction and installation of such improvements within a period specified by the city, town, or county (~~legislative body~~) and expressed in the bonds. In addition, local regulations may provide for methods of security, including the posting of a bond securing to the municipality the successful operation of improvements for an appropriate period of time up to two years after final approval. The municipality is hereby granted the

power to enforce bonds authorized under this section by all appropriate legal and equitable remedies. Such local regulations may provide that the improvements such as structures, sewers, and water systems shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

Sec. 8. RCW 58.17.140 and 1995 c 68 s 1 are each amended to read as follows:

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3): PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. A final plat meeting all requirements of this chapter shall be submitted to the ~~((legislative body of the))~~ city, town, or county for approval within five years of the date of preliminary plat approval. Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements.

Sec. 9. RCW 58.17.150 and 1983 c 121 s 4 are each amended to read as follows:

Each preliminary plat submitted for final approval of the ~~((legislative body))~~ city, town, or county shall be accompanied by the following agencies' recommendations for approval or disapproval:

- (1) Local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;
- (2) Local planning agency or commission, charged with the responsibility of reviewing plats and subdivisions, as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication;
- (3) City, town, or county engineer.

Except as provided in RCW 58.17.140, an agency or person issuing a recommendation for subsequent approval under subsections (1) and (3) of this section shall not modify the terms of its recommendations without the consent of the applicant.

Sec. 10. RCW 58.17.170 and 1981 c 293 s 10 are each amended to read as follows:

When the ~~((legislative body of the))~~ city, town, or county finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this chapter, other applicable state laws, and any local ordinances adopted under this chapter which were in effect at the time of preliminary plat approval, it shall suitably inscribe and execute its written approval on the face of the plat. The original of said final plat shall be filed for record with the county auditor. One reproducible copy shall be furnished to the city, town or county engineer. One paper copy shall be filed with the county assessor. Paper copies shall be provided to such other agencies as may be required by ordinance. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of five years after final plat approval unless the ~~((legislative body))~~ city, town, or county finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

Sec. 11. RCW 58.17.190 and 1969 ex.s. c 271 s 19 are each amended to read as follows:

The county auditor shall refuse to accept any plat for filing until approval of the plat has been given by the ~~((appropriate legislative body))~~ city, town, or county in which the plat is situated. Should a plat or dedication be filed without such approval, the prosecuting attorney of the county in which the plat is filed shall apply for a writ of mandate in the name of and on behalf of the ~~((legislative body))~~

city, town, or county required to approve same, directing the auditor and assessor to remove from their files or records the unapproved plat, or dedication of record.

Sec. 12. RCW 58.17.212 and 1987 c 354 s 3 are each amended to read as follows:

Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the ~~((legislative authority of the))~~ city, town, or county in which the subdivision is located. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

When the vacation application is specifically for a county road or city or town street, the procedures for road vacation or street vacation in chapter 36.87 or 35.79 RCW shall be utilized for the road or street vacation. When the application is for the vacation of the plat together with the roads and/or streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under RCW 35.79.030, and vacations of roads may not be made that are prohibited under RCW 36.87.130.

The ~~((legislative authority of the))~~ city, town, or county shall give notice as provided in RCW 58.17.080 and 58.17.090 and shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, town, or county, shall be deeded to the city, town, or county unless the ~~((legislative authority))~~ city, town, or county shall set forth findings that the public use would not be served in retaining title to those lands.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the ~~((legislative authority))~~ city, town, or county has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the ~~((legislative authority))~~ city, town, or county. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

This section shall not be construed as applying to the vacation of any plat of state-granted tide or shore lands.

Sec. 13. RCW 58.17.215 and 1987 c 354 s 4 are each amended to read as follows:

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the ~~((legislative authority of the))~~ city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Upon receipt of an application for alteration, the ~~((legislative body))~~ city, town, or county shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

The ~~((legislative body))~~ city, town, or county shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

After approval of the alteration, the ~~((legislative body))~~ city, town, or county shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the ~~((legislative authority))~~ city, town, or county, shall be filed with the county auditor to become the lawful plat of the property.

This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

Sec. 14. RCW 58.17.225 and 1995 c 32 s 1 are each amended to read as follows:

The granting of an easement for ingress and egress or utilities over public property that is held as open space pursuant to a subdivision or plat, where the open space is already used as a utility right of way or corridor, where other access is not feasible, and where the granting of the easement will not impair public access or authorize construction of physical barriers of any type, may be authorized and exempted from the requirements of RCW 58.17.215 by the county, city, or town ~~((legislative authority))~~ following a public hearing with notice to the property owners in the affected plat.

Sec. 15. RCW 58.17.310 and 1990 c 194 s 1 are each amended to read as follows:

In addition to any other requirements imposed by the provisions of this chapter, ~~((the legislative authority of any))~~ a city, town, or county shall not approve a short plat or final plat, as defined in RCW 58.17.020, for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right of way for each parcel of land in such district. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the short plat or final plat by the ~~((legislative authority of the))~~ city, town, or county. Rights of way shall be evidenced by the respective plats submitted for final approval to the ~~((appropriate legislative authority))~~ city, town, or county. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site to be platted is wholly or partially within an irrigation district of two hundred thousand acres or more and has been previously platted by the United States bureau of reclamation as a farm unit in the district, the ~~((legislative authority))~~ city, town, or county shall not approve for such land a short plat or final plat as defined in RCW 58.17.020 without the approval of the irrigation district and the administrator or manager of the project of the bureau of reclamation, or its successor agency, within which that district lies. Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state.

Sec. 16. RCW 58.17.330 and 1995 c 347 s 429 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative ~~((body))~~ authority may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. The legal effect of such decisions shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative ~~((body))~~ authority;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative ~~((body))~~ authority; or

(c) The decision may be given the effect of a final decision of the legislative ~~((body))~~ authority.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

(2) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings."

On page 1, line 2 of the title, after "subdivisions;" strike the remainder of the title and insert "and amending RCW 58.17.020, 58.17.060, 58.17.070, 58.17.100, 58.17.110, 58.17.120, 58.17.130, 58.17.140, 58.17.150, 58.17.170, 58.17.190, 58.17.212, 58.17.215, 58.17.225, 58.17.310, and 58.17.330."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate amendments to Engrossed House Bill No. 2985, and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 6, 2000

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6194 and asks the House to recede therefrom, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended, and Substitute Senate Bill No. 6194 was returned to Second Reading for purpose of amendment.

SECOND READING

There being no objection, the committee amendment was before the House for purpose of amendment.

Representative Clements moved the adoption of the following amendment (675) to the committee amendment:

On page 6, line 36, after "is a" insert "gross"

Representatives Clements and Anderson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Anderson spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6194, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6194, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6194, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2000

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 6255 and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended, and Second Substitute Senate Bill No. 6255 was returned to Second Reading for purposes of amendment.

SECOND READING

Representative O'Brien moved the adoption of the following amendment (681):

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** (1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains anhydrous ammonia, is guilty of theft of anhydrous ammonia.

(2) Theft of anhydrous ammonia is a class C felony.

NEW SECTION. **Sec. 2.** A person is guilty of the crime of unlawful storage of anhydrous ammonia if the person possesses anhydrous ammonia in a container that (1) is not approved by the United States department of transportation to hold anhydrous ammonia, or (2) was not constructed to meet state and federal industrial health and safety standards for holding anhydrous ammonia. Violation of this section is a class C felony.

This section does not apply to public employees or private contractors authorized to clean up and dispose of hazardous waste or toxic substances under chapter 70.105 or 70.105D RCW.

NEW SECTION. **Sec. 3.** Any damages arising out of the unlawful possession of, storage of, or tampering with anhydrous ammonia or anhydrous ammonia equipment shall be the sole

responsibility of the unlawful possessor, storer, or tamperer. In no case shall liability for damages arising out of the unlawful possession of, storage of, or tampering with anhydrous ammonia or anhydrous ammonia equipment extend to the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller of the anhydrous ammonia or anhydrous ammonia equipment, unless such damages arise out of the owner, installer, maintainer, designer, manufacturer, possessor, or seller's acts or omissions that constitute negligent misconduct to abide by the laws regarding anhydrous ammonia possession and storage.

Sec. 4. RCW 69.50.440 and 1997 c 71 s 3 are each amended to read as follows:

It is unlawful for any person to possess ephedrine (~~(e)~~), pseudoephedrine, or anhydrous ammonia with intent to manufacture methamphetamine. Any person who violates this section is guilty of a crime and may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both. Three thousand dollars of the fine may not be suspended. As collected, the first three thousand dollars of the fine must be deposited with the law enforcement agency having responsibility for cleanup of laboratories, sites, or substances used in the manufacture of the methamphetamine. The fine moneys deposited with that law enforcement agency must be used for such clean-up cost.

Sec. 5. RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999 c 45 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))
 - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW (~~88.12.029~~))
79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 Malicious placement of an explosive 2 (RCW 70.74.270(2))
 Over 18 and deliver narcotic from Schedule III, IV, or V or a
 nonnarcotic, except flunitrazepam or
 methamphetamine, from Schedule I-V to someone
 under 18 and 3 years junior (RCW 69.50.406)
 Robbery 1 (RCW 9A.56.200)
 Sexual Exploitation (RCW 9.68A.040)
 Vehicular Homicide, by being under the influence of
 intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)
 Deliver or possess with intent to deliver methamphetamine
 (RCW 69.50.401(a)(1)(ii))
 Homicide by Watercraft, by the operation of any vessel in a
 reckless manner (RCW ((~~88.12.029~~)) 79A.60.050)
 Manslaughter 2 (RCW 9A.32.070)
 Manufacture, deliver, or possess with intent to deliver
 amphetamine (RCW 69.50.401(a)(1)(ii))
 Manufacture, deliver, or possess with intent to deliver heroin
 or cocaine (RCW 69.50.401(a)(1)(i))
 Possession of Ephedrine ((~~ø~~)), Pseudoephedrine, or
 Anhydrous Ammonia with intent to manufacture
 methamphetamine (RCW 69.50.440)
 Promoting Prostitution 1 (RCW 9A.88.070)
 Selling for profit (controlled or counterfeit) any controlled
 substance (RCW 69.50.410)
 Theft of Anhydrous Ammonia (section 1 of this act)
 Vehicular Homicide, by the operation of any vehicle in a
 reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)
 Child Molestation 2 (RCW 9A.44.086)
 Dealing in depictions of minor engaged in sexually explicit
 conduct (RCW 9.68A.050)
 Drive-by Shooting (RCW 9A.36.045)
 Homicide by Watercraft, by disregard for the safety of others
 (RCW ((~~88.12.029~~)) 79A.60.050)
 Indecent Liberties (without forcible compulsion) (RCW
 9A.44.100(1) (b) and (c))
 Introducing Contraband 1 (RCW 9A.76.140)
 Involving a minor in drug dealing (RCW 69.50.401(f))
 Malicious placement of an explosive 3 (RCW 70.74.270(3))
 Sending, bringing into state depictions of minor engaged in
 sexually explicit conduct (RCW 9.68A.060)
 Unlawful Possession of a Firearm in the first degree (RCW
 9.41.040(1)(a))
 Use of a Machine Gun in Commission of a Felony (RCW
 9.41.225)
 Vehicular Homicide, by disregard for the safety of others
 (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
 Bribery (RCW 9A.68.010)
 Incest 1 (RCW 9A.64.020(1))
 Intimidating a Judge (RCW 9A.72.160)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Anhydrous Ammonia (section 2 of this act)
- V Abandonment of dependent person 1 (RCW 9A.42.060)
 - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 - Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 - Child Molestation 3 (RCW 9A.44.089)
 - Criminal Mistreatment 1 (RCW 9A.42.020)
 - Custodial Sexual Misconduct 1 (RCW 9A.44.160)
 - Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
 - Extortion 1 (RCW 9A.56.120)
 - Extortionate Extension of Credit (RCW 9A.82.020)
 - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 - Incest 2 (RCW 9A.64.020(2))
 - Kidnapping 2 (RCW 9A.40.030)
 - On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))
 - On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))
 - On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))
 - On and after July 1, 2000: Stalking (RCW 9A.46.110)
 - Perjury 1 (RCW 9A.72.020)
 - Persistent prison misbehavior (RCW 9.94.070)
 - Possession of a Stolen Firearm (RCW 9A.56.310)
 - Rape 3 (RCW 9A.44.060)
 - Rendering Criminal Assistance 1 (RCW 9A.76.070)
 - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 - Sexually Violating Human Remains (RCW 9A.44.105)
- IV Arson 2 (RCW 9A.48.030)
 - Assault 2 (RCW 9A.36.021)
 - Assault by Watercraft (RCW ((~~88.12.032~~)) 79A.60.050)
 - Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 - Commercial Bribery (RCW 9A.68.060)
 - Counterfeiting (RCW 9.16.035(4))
 - Escape 1 (RCW 9A.76.110)
 - Hit and Run--Injury Accident (RCW 46.52.020(4))
 - Hit and Run with Vessel--Injury Accident (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)
III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

- Theft of Livestock 2 (RCW 9A.56.080)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
- Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
 - Counterfeiting (RCW 9.16.035(3))
 - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 - Escape from Community Custody (RCW 72.09.310)
 - Health Care False Claims (RCW 48.80.030)
 - Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
 - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
 - Trafficking in Insurance Claims (RCW 48.30A.015)
 - Unlawful Practice of Law (RCW 2.48.180)
 - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - False Verification for Welfare (RCW 74.08.055)
 - Forged Prescription (RCW 69.41.020)
 - Forged Prescription for a Controlled Substance (RCW 69.50.403)
 - Forgery (RCW 9A.60.020)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 - Theft 2 (RCW 9A.56.040)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
 - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 - Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 - Vehicle Prowl 1 (RCW 9A.52.095)

NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. **Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2000, in the omnibus appropriations act, this act is null and void.

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

Correct the title.

Representatives O'Brien and McDonald spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McDonald spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute Senate Bill No. 6255, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6255, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Second Substitute Senate Bill No. 6255, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2000

Mr. Speaker:

The President ruled the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6277 outside the Scope and Object of the bill. The Senate refuses to concur in the House amendment(s) to said bill, and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended, and Engrossed Substitute Senate Bill No. 6277 was returned to Second Reading for purpose of amendment.

SECOND READING

Representative Linville moved the adoption of the following amendment (684):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. It is the intent of the legislature to allow applicants for environmental permits for complex projects to compensate permitting agencies for providing environmental review through the voluntary negotiation of cost-reimbursement agreements with the permitting agency. It is the further intent of the legislature that cost-reimbursement agreements for complex projects free permitting agency resources to focus on the review of small projects permits.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21A RCW to read as follows:
COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF ECOLOGY. (1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. Sec. 3. A new section is added to chapter 43.30 RCW to read as follows:
COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF NATURAL RESOURCES. (1) The department may enter into a written cost-reimbursement agreement with a permit or lease applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit or lease processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this

section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW. An applicant for a lease issued under chapter 79.90 RCW may not enter into a cost-reimbursement agreement under this section for projects conducted under the lease.

(2) The written cost-reimbursement agreement shall be negotiated with the permit or lease applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit or lease. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits or leases, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits or leases not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF HEALTH. (1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing.

The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. Sec. 5. A new section is added to chapter 43.300 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY THE DEPARTMENT OF FISH AND WILDLIFE. (1) The department may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

(3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. Sec. 6. A new section is added to chapter 70.94 RCW to read as follows:

COST-REIMBURSEMENT AGREEMENT BY AN AIR POLLUTION CONTROL AUTHORITY. (1) An authority may enter into a written cost-reimbursement agreement with a permit applicant for a complex project to recover from the applicant the reasonable costs incurred by the authority in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, and permit processing. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. For purposes of this section, a complex project is a project for which an environmental impact statement is required under chapter 43.21C RCW.

(2) The written cost-reimbursement agreement shall be negotiated with the permit applicant. Under the provisions of a cost-reimbursement agreement, funds from the applicant shall be used by the air pollution control authority to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The air pollution control authority may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit. The air pollution control authority shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The

air pollution control authority shall make an estimate of the number of permanent staff hours to process the permits, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits not covered by cost-reimbursement agreements. The air pollution control authority may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The provisions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement. Members of the air pollution control authority's board of directors shall be considered as state officers, and employees of the air pollution control authority shall be considered as state employees, for the sole purpose of applying the restrictions of chapter 42.52 RCW to this section.

(3) An air pollution control authority may not enter into any new cost-reimbursement agreements on or after July 1, 2005. The department may continue to administer any cost-reimbursement agreement which was entered into before July 1, 2005, until the project is completed.

NEW SECTION. **Sec. 7.** A new section is added to chapter 90.03 RCW to read as follows:

Any applicant for a new withdrawal or a change, transfer, or amendment of a water right pending before the department, may initiate a cost-reimbursement agreement with the department to provide expedited review of the application. A cost-reimbursement agreement may only be initiated under this section if the applicant agrees to pay for, or as part of a cooperative effort agrees to pay for, the cost of processing his or her application and all other applications from the same source of supply which must be acted upon before the applicant's request because they were filed prior to the date of when the applicant filed. The department shall use the process established under section 2 of this act for entering into cost-reimbursement agreements, except that it is not necessary for an environmental impact statement to be filed as a prerequisite for entering into a cost-reimbursement agreement under this section.

NEW SECTION. **Sec. 8.** Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, G. Chandler and Morris spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6277, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6277, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 7, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway,

Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 91.

Voting nay: Representatives Constantine, Keiser, McIntire, Poulsen, Romero, Schual-Berke and Veloria - 7.

Engrossed Substitute Senate Bill No. 6277, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2000

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6781 and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended, and Substitute Senate Bill No. 6781 was returned to Second Reading for purpose of amendment.

SECOND READING

Representative Linville moved the adoption of the following amendment (683):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 90.64 RCW to read as follows:
(1) A dairy nutrient management task force is created that shall be comprised of no more than fifteen members, who are appointed as follows:

(a) Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives;

(b) Two members of the senate, one from each major caucus, appointed by the president of the senate;

(c) A representative of the department of ecology, appointed by the director of ecology;

(d) A representative of the state conservation commission, appointed by its executive secretary;

(e) A representative of local conservation districts, appointed by the president of a state-wide association of conservation districts;

(f) A representative of local health departments, appointed by the Washington state association of local public health officials;

(g) A representative of commercial shellfish growers, appointed by a state-wide organization representing oyster growers;

(h) Four representatives of the dairy industry, appointed by a state-wide organization representing the dairy industry in the state;

(i) A representative of an environmental interest organization with familiarity and expertise in water quality issues, appointed by a state-wide organization representing environmental interests;

(j) A representative of the United States environmental protection agency, appointed by the regional director of the agency if the agency chooses to be represented on the task force; and

(k) A representative of the United States natural resources conservation service, appointed by the state conservationist of that agency for this state, if the agency chooses to be represented on the task force.

(2) The task force shall convene as soon as possible upon appointment of its members. The task force shall elect a chair and adopt rules for conducting the business of the task force. Staff support for the task force shall be provided by the Washington state conservation commission.

(3) This section expires June 30, 2004.

NEW SECTION. Sec. 2. A new section is added to chapter 90.64 RCW to read as follows:

(1) By December 31, 2000, the task force shall recommend to the department and to the legislature:

(a) Clarification of key terms and phrases such as, but not limited to, "potential to pollute," that are used in the administration of this chapter and other statutes on water quality;

(b) How frequently dairy nutrient management plans should be updated, considering the evolution of technical standards developed by the natural resources conservation service;

(c) Considering the report under section 3 of this act, the disposition of penalties collected from dairy producers under chapter 90.48 RCW;

(d) Considering the report under section 4 of this act, recommended sources of funding to meet the needs identified in the report;

(e) The extent to which engineering expertise is required to implement the provisions of this chapter;

(f) How to address responsibility for contamination originating from neighboring farms; and

(g) Clarification of the duties of the department as they pertain to initial inspections of dairy farms.

(2) The task force shall make recommendations to the department and to the legislature on any other issues, and at such times, as the task force deems important to the successful implementation of this chapter.

(3) This section expires June 30, 2004.

NEW SECTION. Sec. 3. (1) By September 1, 2000, the department of ecology shall report to the dairy nutrient management task force on the penalties assessed on dairy producers for violations of chapters 90.48 and 90.64 RCW since January 1, 1998. The report shall indicate the amount of money from these penalties that was deposited into the coastal protection fund created under RCW 90.48.390 and the amount deposited into the dairy waste management account created under RCW 90.64.150. The report shall also indicate the purposes for which moneys reported under this section were expended.

(2) This section expires December 31, 2000.

NEW SECTION. Sec. 4. (1) By September 1, 2000, the office of financial management shall make recommendations to the dairy nutrient management task force on how to provide adequate funding for the dairy nutrient management program. The recommendations shall include an identification of need, if any, for additional funding for each of the following purposes:

(a) To perform functions required by conservation districts and the state conservation commission;

(b) To provide technical assistance for development of dairy nutrient management plans; and

(c) For cost-share moneys for implementation of the plans based on fifty percent of the eligible costs to be derived from public sources. The recommendations shall be for the amount of funding for these purposes that is required each fiscal year through June 30, 2004, in order to meet the deadlines established in chapter 90.64 RCW.

(2) The office of financial management shall submit its written recommendations to the co-chief clerks of the house of representatives and the secretary of the senate.

(3) This section expires December 31, 2000.

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

Correct the title.

Representatives Linville and B. Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6781, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6781, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6781, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2000

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425 and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended, and Engrossed Substitute Senate Concurrent Resolution No. 8425 was returned to Second Reading for purpose of amendment.

SECOND READING

Representative Kenney moved the adoption of the following amendment (685):

Beginning on page 1, line 1, strike the remainder of the resolution and insert the following:

"WHEREAS, Chapter 370, Laws of 1985, created the Washington Higher Education Coordinating Board to plan, coordinate, and provide policy analysis for higher education and to represent the broad public interest above the interests of individual colleges and universities; and

WHEREAS, Section 4, chapter 370, Laws of 1985, requires the board to prepare and update a master plan for higher education and requires the Legislature, by concurrent resolution, to "approve or recommend changes" to the master plan and its subsequent updates; and

WHEREAS, The provisions of the master plan that are approved by the Legislature become state higher education policy unless legislation is subsequently enacted to revise those policies; and

WHEREAS, The Washington Higher Education Coordinating Board submitted the initial master plan to the Legislature in December 1987, and submitted updates to the plan in December 1992, January 1996, and January 2000; and

WHEREAS, During the process used to develop the 2000 master plan, the board consulted with students and families, educators, business, labor, and civic organizations representing a cross-section of Washington citizens; and

WHEREAS, The board learned that the need and expectation for higher education among Washington citizens will continue to grow through the next decade, because of population increases as well as the demands of the state's increasingly technology-based economy; and

WHEREAS, The board identified the challenge of meeting future demand for college education should a greater proportion of Washington citizens seek upper division and graduate level study by the year 2010; and

WHEREAS, The board spelled out its commitment to continuing to expand enrollment opportunities for Washington students, to keep public higher education affordable for students and families, and to provide financial assistance to those who cannot otherwise afford to go to college; and

WHEREAS, The board identified five specific goals for the state to address higher education needs in the next ten years:

(1) Making student learning the yardstick by which institutional accountability, effectiveness, and efficiency is measured;

(2) Linking students' participation in higher education to their achievement in the K-12 grades;

(3) Providing the information citizens need to make the best use of the learning pathways available to them;

(4) Enhancing higher education opportunity through greater use of e-learning technologies and by increasingly efficient use of public facilities; and

(5) Helping colleges and universities meet student needs and compete in an increasingly competitive and complex education marketplace; and

WHEREAS, The board challenged itself, students, and families, the public and private institutions, the private sector, and the state to each accept its individual responsibilities and to collaborate in the development of solutions; and

WHEREAS, The board described an implementation plan to guide the state's response to the needs of higher education and to estimate the costs of the strategies, including the necessity to develop an enrollment accommodation plan that identifies where capacity exists and what the highest priorities should be;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the Washington Higher Education Coordinating Board be commended for its dedication and commitment to the State of Washington in producing the 2000 update of the master plan for higher education titled "The 21st Century Learner"; and

BE IT FURTHER RESOLVED, That the Legislature thank the board for describing many of the challenges facing the state in its attempts to provide the postsecondary education and training our citizens need to fulfill their personal goals and participate fully in the world of the twenty-first century; and

BE IT FURTHER RESOLVED, That the Legislature reaffirm its commitment to create postsecondary opportunities in response to documented demand from citizens for access to high-quality education and training programs; and

BE IT FURTHER RESOLVED, That the board reexamine its assumptions with regard to projected upper division and graduate enrollments, and that the plan reexamine the role of the community and technical colleges in meeting the postsecondary needs of a significant portion of Washington's population; and

BE IT FURTHER RESOLVED, That the board reexamine its assumptions with regard to the capital needs of the community and technical colleges and the four-year institutions of higher education, including their branch campuses; and

BE IT FURTHER RESOLVED, That the board, in consultation with the office of financial management, work collaboratively with the public and independent two-year and four-year universities, private vocational schools, and appropriate legislative committees, to prepare an enrollment accommodation plan, contemplate various growth scenarios, identify related operational and capital needs, and examine alternatives to address the identified budget needs; and

BE IT FURTHER RESOLVED, That the board communicate regularly with the appropriate legislative committees and the governor regarding the assigned tasks and report back with its results and findings before proceeding with the development of its biennial budget recommendations; and

BE IT FURTHER RESOLVED, That the Legislature approve the following recommendations of the 2000 update of the master plan:

(1) The goal that, by the year 2010, Washington's system of postsecondary education needs to provide opportunities for additional students to enroll in high-quality education and training programs;

(2) That solutions to the challenge may be found in strategies that (a) make student learning the yardstick by which institutional accountability, effectiveness, and efficiency is measured; and (b) link students' participation in higher education to their achievement in the K-12 grades;

(3) Provide the information citizens need to make the best use of the learning pathways available to them, and support outreach efforts designed to ensure that the higher education system reflects the diversity of the state's population;

(4) Expand the use of e-learning technologies and use public facilities to the fullest extent possible; and

(5) Help colleges and universities meet student needs and compete in an increasingly competitive and complex education marketplace; and

BE IT FURTHER RESOLVED, That the board proceed with implementation of the 2000 update of the master plan; and

BE IT FURTHER RESOLVED, That the board proceed with the implementation of the 2000 update of the master plan as described in "The 21st Century Learner" and modified by this resolution, and report to the 2001 Legislature on progress toward implementing its strategies."

Representatives Kenney and Carlson spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representatives Kenney and Carlson spoke in favor of passage of the resolution.

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute Senate Concurrent Resolution No. 8425, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8425, as amended by the House, and the bill was adopted by the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute Senate Concurrent Resolution No. 8425, as amended by the House, having received the constitutional majority, was declared adopted.

SENATE AMENDMENTS TO HOUSE BILL

There being no objection, the request for a ruling of Scope & Object on the Senate amendments to House Bill No. 2400 was withdrawn.

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2400 and advanced the bill as amended by the Senate to final passage.

Representatives Constantine and Carrell spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2400 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2400 as amended by the Senate and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Voting nay: Representative Esser - 1.

House Bill No. 2400, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2000

Mr. Speaker:

The Senate has receded from the Labor and Workforce Committee striking amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647, adopted on February 28, 2000. Under Suspension of Rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted amendment(s) #275, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. EMERGENCY RULES. (1) The director of the department of labor and industries shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(2) The transportation commission shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(3) The utilities and transportation commission shall adopt emergency rules that take effect no later than June 1, 2000, revising any safety standards governing flaggers.

(4) Notwithstanding RCW 34.05.350, the emergency rules adopted pursuant to this section shall remain in effect or be adopted in sequence until March 1, 2001, or the effective date of the permanent rules adopted pursuant to section 2 of this act, whichever is earlier.

(5) The emergency rules adopted pursuant to this section shall be designed to improve options available to ensure the safety of flaggers, and ensure that flaggers have adequate visual warning of objects approaching from behind them.

(6) In developing emergency rules adopted pursuant to this section, state agencies and commissions shall consult with other persons with an interest in improving safety standards for flaggers. State agencies and commissions shall report, by September 15, 2000, to the senate labor and workforce development committee and the house of representatives commerce and labor committee on the emergency rules adopted pursuant to this section.

NEW SECTION. Sec. 2. PERMANENT RULES. (1) The director of the department of labor and industries shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards governing flaggers.

(2) The transportation commission shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards and employment qualifications governing flaggers.

(3) The utilities and transportation commission shall adopt permanent rules that take effect no later than March 1, 2001, revising any safety standards and employment qualifications governing flaggers.

(4) The permanent rules adopted pursuant to this section shall be designed to improve options available to ensure the safety of flaggers, ensure that flaggers have adequate visual warning of objects approaching from behind them, and update employment qualifications for flaggers.

(5) In developing permanent rules adopted pursuant to this section, state agencies and commissions shall consult with other persons with an interest in improving safety standards and updating employment qualifications for flaggers. State agencies and commissions shall coordinate and make consistent, to the extent possible, permanent rules. State agencies and commissions shall report, by April 22, 2001, to the senate labor and workforce development committee and the house of representatives commerce and labor committee on the permanent rules adopted pursuant to this section.

Sec. 3. RCW 9.91.020 and 1915 c 165 s 2 are each amended to read as follows:

Every person who, being employed upon any railway, as engineer, motorman, gripman, conductor, switch tender, fireman, bridge tender, (~~flagman~~) flagger, or signalman, or having charge of stations, starting, regulating or running trains upon a railway, or being employed as captain, engineer or other officer of a vessel propelled by steam, or being the driver of any animal or vehicle upon any public highway, street, or other public place, (~~shall be~~) is intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor.

Sec. 4. RCW 46.61.015 and 1995 c 50 s 1 are each amended to read as follows:

No person shall willfully fail or refuse to comply with any lawful order or direction of any duly authorized (~~(flagman)~~) flagger or any police officer or fire fighter invested by law with authority to direct, control, or regulate traffic.

A violation of this section is a misdemeanor.

Sec. 5. RCW 46.61.190 and 1975 c 62 s 27 are each amended to read as follows:

(1) Preferential right of way may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a duly authorized (~~(flagman)~~) flagger, or a police officer, or a fire fighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: PROVIDED, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of (~~(his)~~) the driver's failure to yield right of way.

Sec. 6. RCW 46.61.340 and 1965 ex.s. c 155 s 46 are each amended to read as follows:

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until (~~(he can do so)~~) the crossing can be made safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human (~~(flagman)~~) flagger gives or continues to give a signal of the approach or passage of a railroad train;

(c) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 7. RCW 46.61.355 and 1975 c 62 s 32 are each amended to read as follows:

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to the station agent of such railroad located nearest the intended crossing sufficiently in advance to allow such railroad a reasonable time to prescribe proper protection for such crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest

rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a ~~((flagman))~~ flagger or otherwise of the immediate approach of a railroad train or car. If a ~~((flagman))~~ flagger is provided by the railroad, movement over the crossing shall be under ~~((his))~~ the flagger's direction.

Sec. 8. RCW 47.36.220 and 1961 c 13 s 47.36.220 are each amended to read as follows:

Each driver of a motor vehicle used in connection with such construction, repair, or maintenance work shall obey traffic signs posted for, and ~~((flagman))~~ flaggers stationed at such location in the same manner and under the same restrictions as is required for the driver of any other vehicle.

NEW SECTION. **Sec. 9.** Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 10.** Sections 1 and 2 of this act may be known and cited as the "Kim Vendl Worker Safety Act."

NEW SECTION. **Sec. 11.** Captions used in this act are not any part of the law."

On page 1, line 1 of the title, after "flaggers;" strike the remainder of the title and insert "amending RCW 9.91.020, 46.61.015, 46.61.190, 46.61.340, 46.61.355, and 47.36.220; adding a new section to chapter 49.17 RCW; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2647 and advanced the bill as amended by the Senate to final passage.

Representatives Reardon and Clements spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2647 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2647 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner,

D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute House Bill No. 2647, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2000

Mr. Speaker:

The Senate receded from the striking amendment(s) to SUBSTITUTE HOUSE BILL NO. 2903, adopted as amended on March 2, 2000. Under Suspension of Rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted amendment(s) #278, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends, by the enactment of this act, to provide a very limited exception to the restrictions on disclosure of intercepted communications.

Sec. 2. RCW 9.73.090 and 1989 c 271 s 205 are each amended to read as follows:

(1) The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police, fire, emergency medical service, emergency communication center, and poison center personnel in the following instances:

(a) Recording incoming telephone calls to police and fire stations, licensed emergency medical service providers, emergency communication centers, and poison centers;

(b) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(i) The arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording;

(ii) The recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof;

(iii) At the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording;

(iv) The recordings shall only be used for valid police or court activities;

(c) Sound recordings that correspond to video images recorded by video cameras mounted in law enforcement vehicles. All law enforcement officers wearing a sound recording device that makes recordings corresponding to videos recorded by video cameras mounted in law enforcement vehicles must be in uniform. A sound recording device which makes a recording pursuant to this subsection (1)(c) may only be operated simultaneously with the video camera. No sound recording device may be intentionally turned off by the law enforcement officer during the operation of the video camera.

No sound or video recording made under this subsection (1)(c) may be duplicated and made available to the public by a law enforcement agency subject to this section until final disposition of any criminal or civil litigation which arises from the incident or incidents which were recorded. Such sound recordings shall not be divulged or used by any law enforcement agency for any commercial purpose.

A law enforcement officer shall inform any person being recorded by sound under this subsection (1)(c) that a sound recording is being made and the statement so informing the person shall be included in the sound recording, except that the law enforcement officer is not required to inform the person being recorded if the person is being recorded under exigent circumstances. A law enforcement officer is not required to inform a person being recorded by video under this subsection (1)(c) that the person is being recorded by video.

(2) It shall not be unlawful for a law enforcement officer acting in the performance of the officer's official duties to intercept, record, or disclose an oral communication or conversation where the officer is a party to the communication or conversation or one of the parties to the communication or conversation has given prior consent to the interception, recording, or disclosure: PROVIDED, That prior to the interception, transmission, or recording the officer shall obtain written or telephonic authorization from a judge or magistrate, who shall approve the interception, recording, or disclosure of communications or conversations with a nonconsenting party for a reasonable and specified period of time, if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony: PROVIDED HOWEVER, That if such authorization is given by telephone the authorization and officer's statement justifying such authorization must be electronically recorded by the judge or magistrate on a recording device in the custody of the judge or magistrate at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter.

Any recording or interception of a communication or conversation incident to a lawfully recorded or intercepted communication or conversation pursuant to this subsection shall be lawful and may be divulged.

All recordings of communications or conversations made pursuant to this subsection shall be retained for as long as any crime may be charged based on the events or communications or conversations recorded.

(3) Communications or conversations authorized to be intercepted, recorded, or disclosed by this section shall not be inadmissible under RCW 9.73.050.

(4) Authorizations issued under subsection (2) of this section shall be effective for not more than seven days, after which period the issuing authority may renew or continue the authorization for additional periods not to exceed seven days.

(5) If the judge or magistrate determines that there is probable cause to believe that the communication or conversation concerns the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the judge or magistrate may authorize the interception, transmission, recording, or disclosure of communications or conversations under subsection (2) of this section even though the true name of the nonconsenting party, or the particular time and place for the interception, transmission, recording, or disclosure, is not known at the time of the request, if the authorization describes the nonconsenting party and subject matter of the communication or conversation with reasonable certainty under the circumstances. Any such communication or conversation may be intercepted, transmitted, recorded, or disclosed as authorized notwithstanding a change in the time or location of the communication or conversation after the authorization has been obtained or the presence of or participation in the communication or conversation by any additional party not named in the authorization.

Authorizations issued under this subsection shall be effective for not more than fourteen days, after which period the issuing authority may renew or continue the authorization for an additional period not to exceed fourteen days.

Sec. 3. RCW 9.73.080 and 1989 c 271 s 209 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, any person who violates RCW 9.73.030 is guilty of a gross misdemeanor.

(2) Any person who knowingly alters, erases, or wrongfully discloses any recording in violation of RCW 9.73.090(1)(c) is guilty of a gross misdemeanor."

On page 1, line 1 of the title, after "recordings;" strike the remainder of the title and insert "amending RCW 9.73.090 and 9.73.080; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2903 and advanced the bill as amended by the Senate to final passage.

Representatives Constantine, Delvin and Carrell spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2903 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2903 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representatives DeBolt and Pennington - 2.

Substitute House Bill No. 2903, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2000

Mr. Speaker:

The Senate recessed from the Ways and Means Committee striking amendment(s) to HOUSE BILL NO. 2807, adopted on March 2, 2000. Under Suspension of Rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted amendment(s) #276, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.14A.020 and 1994 sp.s. c 7 s 102 are each amended to read as follows:
State efforts shall address the needs of children and their families, including emotionally disturbed and mentally ill children, potentially dependent children, and families-in-conflict by:
(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;
(2) Ensuring that appropriate social and health services are provided to the family unit both prior to and during the removal of a child from the home and after family reunification;
(3) Ensuring that the safety and best interests of the child are the paramount considerations when making placement and service delivery decisions;
(4) Recognizing the interdependent and changing nature of families and communities, building upon their inherent strengths, maintaining their dignity and respect, and tailoring programs to their specific circumstances;

(5) Developing and implementing comprehensive, preventive, and early intervention social and health services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic or severe;

(6) Authorizing and facilitating blended funding for children who require services and residential treatment from multiple services systems; including child welfare services, mental health, alcohol and drug, and juvenile rehabilitation;

(7) Being sensitive to the family and community culture, norms, values, and expectations, ensuring that all services are provided in a culturally appropriate and relevant manner, and ensuring participation of racial and ethnic minorities at all levels of planning, delivery, and evaluation efforts;

~~((7))~~ (8)(a) Developing coordinated social and health services which:

(i) Identify problems experienced by children and their families early and provide services which are adequate in availability, appropriate to the situation, and effective;

(ii) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;

(iii) Serve children and families in their own homes thus preventing unnecessary out-of-home placement or institutionalization;

(iv) Focus resources on social and health problems as they begin to manifest themselves rather than waiting for chronic and severe patterns of illness, criminality, and dependency to develop which require long-term treatment, maintenance, or custody;

(v) Reduce duplication of and gaps in service delivery;

(vi) Improve planning, budgeting, and communication among all units of the department and among all agencies that serve children and families; and

(vii) Utilize outcome standards for measuring the effectiveness of social and health services for children and families.

(b) In developing services under this subsection, local communities must be involved in planning and developing community networks that are tailored to their unique needs.

NEW SECTION. Sec. 2. A new section is added to chapter 74.14A RCW to read as follows:

The secretary of the department of social and health services shall charge appropriated funds to support blended funding projects for youth subject to any current or future waiver the department receives to the requirements of IV-E funding. To be eligible for blended funding a child must be eligible for services designed to address a behavioral, mental, emotional, or substance abuse issue from the department of social and health services and require services from more than one categorical service delivery system. Before any blended funding project is established by the secretary, any entity or person proposing the project shall seek input from the public health and safety network or networks established in the catchment area of the project. The network or networks shall submit recommendations on the blended funding project to the family policy council. The family policy council shall advise the secretary whether to approve the proposed blended funding project. The network shall review the proposed blended funding project pursuant to its authority to examine the decategorization of program funds under RCW 70.190.110, within the current appropriation level. The department shall document the number of children who participate in blended funding projects, the total blended funding amounts per child, the amount charged to each appropriation by program, and services provided to each child through each blended funding project and report this information to the appropriate committees of the legislature by December 1st of each year, beginning in December 1, 2000.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act takes effect July 1, 2000."

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 74.14A.020; adding a new section to chapter 74.14A RCW; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2807 and advanced the bill as amended by the Senate to final passage.

Representative Kagi spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2807 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2807 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Bill No. 2807, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2000

Mr. Speaker:

The Senate receded from the Human Services and Corrections Committee striking amendment(s) to SUBSTITUTE HOUSE BILL NO. 2912, adopted on March 1, 2000. Under Suspension of Rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted amendment(s) #280, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of social and health services shall report to the legislature the following information regarding children in out-of-home care who remained in out-of-home care longer than ninety days for at least one placement episode and received "fee for service" medical assistance during fiscal year 1999:

- (a) The number of children who were prescribed medication during an out-of-home care episode;
 - (b) The medical diagnosis for all children on prescribed medications;
 - (c) The number, types, and frequency of medications prescribed to children;
 - (d) The number of children receiving multiple medications;
 - (e) The number of children prescribed Ritalin; and
 - (f) The total number of children in out-of-home care episodes exceeding ninety days during fiscal year 1999, and the number of those children receiving medication.
- (2) For purposes of this section, "medication" means psychotropic medication or other medication prescribed to address psychiatric or other behavioral issues.
- (3) The report is due to the legislature on or before December 15, 2000."

On page 1, line 2 of the title, after "custody;" strike the remainder of the title and insert "and creating a new section."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2912 and advanced the bill as amended by the Senate to final passage.

Representatives Boldt and Kagi spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2912 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2912 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 2912, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2000

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6336 and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House receded in its amendment(s) to Substitute Senate Bill No. 6336 and advanced the bill to final passage.

Representatives O'Brien and Ballasiotes spoke in favor of final passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Substitute Senate Bill No. 6336.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6336 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute Senate Bill No. 6336, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2000

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SENATE BILL NO. 6555 and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House receded from its amendments to Engrossed Senate Bill No. 6555, and advanced the bill to final passage.

Representatives D. Sommers and Tokuda spoke in favor of final passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed Senate Bill No. 6555.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6555 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Senate Bill No. 6555, having received the constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House reconsidered its decision to not concur in the Senate amendments to Engrossed House Bill No. 2985. There being no objection, the House deferred action on Engrossed House Bill No. 2985, and the bill held its place on the Concurrence/Dispute calendar.

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

MOTION

Representative Kessler moved that the Committee on State Government be relieved of Engrossed Senate Bill No. 6402, the Civil Service Reform Act of 2000, and that the bill be placed on the day's Second Reading calendar.

POINT OF ORDER

Representative Mastin raised the point of order that the Representative from the 24th District's motion to relieve the Committee on State Government of Engrossed Senate Bill No. 6402 was out of order under House Rules A3 (House Resolution No. 1999-4600).

There being no objection, the House deferred action on Engrossed Senate Bill No. 6402 pending ruling by the Co-Speakers.

MOTION

Representative Kessler moved that the Committee on Commerce & Labor be relieved of Senate Bill No. 6368, Providing unemployment for locked out workers, and that the bill be placed on Second Reading.

POINT OF ORDER

Representative Mastin raised the point of order that the Representative from the 24th District's motion to relieve the Committee on Commerce & Labor of Senate Bill No. 6368 was out of order under House Rules A3 (House Resolution No. 1999-4600).

There being no objection, the House deferred action on Senate Bill No. 6368 pending ruling by the Co-Speakers.

RESOLUTION

HOUSE RESOLUTION NO. 2000-4792, by Representatives Ogden, Pennington, Quall, Talcott, Carlson, Wensman, Esser, McDonald, Thomas and D. Schmidt

WHEREAS, Washington was created as a representative democracy in which all governmental power is inherent in the people who exercise that power through the legislative, executive, and judicial branches; and

WHEREAS, Benjamin Rush, signer of the Declaration of Independence, stated, "There is but one method of rendering a republican form of government durable, and that is by disseminating the seeds of virtue and knowledge through every part of the state by means of proper places and modes of education, and this can be done effectively only by the aid of the legislature"; and

WHEREAS, Civic education is a vital tool to promote greater understanding of the legislative institution and the role of legislators in representative democracy; and

WHEREAS, The National Conference of State Legislatures (NCSL) urges the nation's state legislatures to promote civic education about representative democracy; and

WHEREAS, NCSL has established America's Legislators Back to School Day, a national day on which state legislators across the nation visit schools and classrooms to talk about the legislature and to observe activities in the schools; and

WHEREAS, Legislators will benefit from interacting with students, teachers, and administrators;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington support civic education to promote greater understanding of the legislative institution and the role of legislators in representative democracy, declare that September be designated as Washington Legislators Back to School Month, and urge all members of the legislature to visit schools during that month.

There being no objection, House Resolution No. 2000-4792 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

February 29, 2000

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2441 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.131.020 and 1977 ex.s. c 289 s 2 are each amended to read as follows:

The state legislature finds that state ~~((agencies))~~ entities may fail to deliver services as effectively and efficiently as is expected by the general public and as originally contemplated by the legislature. It further finds that state government actions have produced a substantial increase in numbers of ~~((agencies))~~ entities, growth of programs, and proliferation of rules ~~((and regulations))~~, and that the entire process has evolved without sufficient legislative and executive oversight, regulatory accountability, or a system of checks and balances. The legislature further finds that by establishing a system for the termination, continuation, or modification of state ~~((agencies))~~ entities, coupled with a system of scheduled review of such ~~((agencies))~~ entities, it will be in a better position to: Evaluate the need for the continued existence of existing and future state ~~((agencies))~~ entities; assess the effectiveness and performance of agencies, boards, commissions, and programs; and ensure public accountability. The legislature recognizes that the executive branch shares in this duty and responsibility to assure that state government operates in an efficient, orderly, and responsive manner.

Sec. 2. RCW 43.131.030 and 1983 1st ex.s. c 27 s 1 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise.

(1) (~~"Committees of reference" means the standing legislative committees designated by the senate and house of representatives to consider termination, modification, or reestablishment of state agencies pursuant to this chapter.~~) "Entity" includes every state office, department, board, commission, unit or subunit, and agency of the state, and where provided by law, programs and activities involving less than the full responsibility of a state agency. "Entity" also includes any part of the Revised Code of Washington scheduled for repeal, expiration, or program termination.

(2) "Person" includes every natural person, firm, partnership, corporation, association, or organization.

~~((3) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which licenses or regulates one or more professions, occupations, industries, businesses, or other endeavors in the state of Washington.~~

~~(4) "State agency" includes every state office, department, board, commission, regulatory entity and agency of the state, and where provided by law, programs and activities involving less than the full responsibility of a state agency.)~~

Sec. 3. RCW 43.131.040 and 1983 1st ex.s. c 27 s 2 are each amended to read as follows:

Any state (~~(agency)~~) entity scheduled for termination by the processes provided in this chapter may be reestablished by the legislature for a specified period of time or indefinitely. The legislature may again review the state (~~(agency)~~) entity in a manner consistent with the provisions of this chapter and reestablish, modify, or consolidate such state (~~(agency)~~) entity or allow it to be terminated.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.131 RCW to read as follows:

The joint legislative audit and review committee shall conduct a program and fiscal review of any entity scheduled for termination under this chapter. This program and fiscal review shall be completed and a preliminary report prepared during the calendar year prior to the date established for termination. These reports shall be prepared in the manner set forth in RCW 44.28.071 and 44.28.075. Upon completion of its preliminary report, the joint legislative audit and review committee shall transmit copies of the report to the office of financial management and any affected entity. The final report shall include the response, if any, of the affected entity and the office of financial management in the same manner as set forth in RCW 44.28.088, except the affected entity and the office of financial management shall have sixty days to respond to the report. The joint legislative audit and review committee shall transmit the final report to the legislature, to the state entity affected, to the governor, and to the state library.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.131 RCW to read as follows:

(1) Any entity may be scheduled for sunset termination and review under this chapter by law.

(2) An entity scheduled for sunset termination shall establish performance measures, as required under subsection (3) of this section, and must be evaluated, in part, in terms of the results. The entity has the burden of demonstrating the extent to which performance results have been achieved. The sunset termination legislation shall name a lead entity, if more than one entity is impacted by scheduled termination. The affected entity or lead entity has the responsibility for developing and implementing a data collection plan and submitting the resulting performance information to the joint legislative audit and review committee.

(3) An entity shall develop performance measures and a data collection plan and submit them for review and comment to the joint legislative audit and review committee within one year of the effective date of the legislation establishing the sunset termination.

(4) Unless specified otherwise, sunset terminations under this chapter shall be a minimum of seven years. The joint legislative audit and review committee shall complete its review in the year prior to the date of termination.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.131 RCW to read as follows:

(1) In conducting the review of an entity, the joint legislative audit and review committee shall determine the scope and objectives of the review and consider, but not be limited to, the following factors, if applicable:

- (a) The extent to which the entity has complied with legislative intent;
- (b) The extent to which the entity is operating in an efficient and economical manner which results in optimum performance;
- (c) The extent to which the entity is operating in the public interest by controlling costs;
- (d) The extent to which the entity duplicates the activities of other entities or of the private sector;
- (e) The extent to which the entity is meeting the performance measures developed under section 5 of this act; and
- (f) The possible impact of the termination or modification of the entity.

(2) After completing the review under subsection (1) of this section, the committee shall make its recommendations to the legislature.

Sec. 7. RCW 43.131.090 and 1993 c 281 s 54 are each amended to read as follows:

Unless the legislature specifies a shorter period of time, a terminated ~~((state agency))~~ entity shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: PROVIDED, That the powers and authority of the ~~((state agency))~~ entity shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated ~~((state agencies))~~ entities classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the Washington personnel resources board pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated ~~((state agency))~~ entity shall be delivered to the custody of the ~~((agency))~~ entity assuming the responsibilities of the terminated ~~((agency))~~ entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration;

(3) All funds held by, or other moneys due to, the terminated ~~((state agency))~~ entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.05.020, all rules made by a terminated ~~((state agency))~~ entity shall be repealed, without further action by the ~~((state agency))~~ entity, at the end of the period provided in this section, unless assumed and reaffirmed by the ~~((agency))~~ entity assuming the related legal responsibilities of the terminated ~~((state agency))~~ entity;

(5) All contractual rights and duties of ~~((a state agency))~~ an entity shall be assigned or delegated to the ~~((agency))~~ entity assuming the responsibilities of the terminated ~~((state agency))~~ entity, or if there is none to such ~~((agency))~~ entity as the governor shall direct.

Sec. 8. RCW 43.131.100 and 1977 ex.s. c 289 s 10 are each amended to read as follows:

This chapter shall not affect the right to institute or prosecute any cause of action by or against ~~((a state agency))~~ an entity terminated pursuant to this chapter if the cause of action arose prior to the end of the period provided in RCW 43.131.090. Such causes of action may be instituted, prosecuted, or defended in the name of the state of Washington by the office of the attorney general. Any hearing or other proceeding pending before ~~((a state agency))~~ an entity to be terminated and not completed before the end of the period provided in RCW 43.131.090, may be completed by the ~~((agency))~~ entity assuming the responsibilities of the terminated ~~((state agency))~~ entity.

Sec. 9. RCW 43.131.130 and 1977 ex.s. c 289 s 13 are each amended to read as follows:

Nothing in this chapter or RCW 43.06.010 ~~((as now or hereafter amended,))~~ shall prevent the legislature from abolishing or modifying ~~((a state agency))~~ an entity scheduled for termination prior to the ~~((agency's))~~ entity's established termination date or from abolishing or modifying any other ~~((state agency))~~ entity.

Sec. 10. RCW 43.131.150 and 1983 1st ex.s. c 27 s 8 are each amended to read as follows:

The ((state agencies and programs)) entities scheduled for termination under this chapter shall be subject to all of the processes provided in this chapter.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

- (1) RCW 43.131.050 (Joint legislative audit and review committee and office of financial management--Duties--Reports required) and 1996 c 288 s 43, 1990 c 297 s 2, 1979 c 22 s 1, & 1977 ex.s. c 289 s 5;
- (2) RCW 43.131.060 (Joint legislative audit and review committee review of regulatory entity--Factors for consideration) and 1996 c 288 s 44, 1988 c 17 s 1, & 1977 ex.s. c 289 s 6;
- (3) RCW 43.131.070 (Joint legislative audit and review committee review of a state agency other than a regulatory entity--Factors for consideration) and 1996 c 288 s 45 & 1977 ex.s. c 289 s 7; and
- (4) RCW 43.131.080 (Committees of reference--Powers and duties) and 1996 c 288 s 46, 1989 c 175 s 109, 1983 1st ex.s. c 27 s 3, & 1977 ex.s. c 289 s 8.

Sec. 12. RCW 43.131.900 and 1988 c 17 s 2 are each amended to read as follows:
RCW 43.131.010 through 43.131.150 shall expire on June 30, ((2000)) 2015, unless extended by law for an additional fixed period of time.

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

On page 1, line 2 of the title, after "process;" strike the remainder of the title and insert "amending RCW 43.131.020, 43.131.030, 43.131.040, 43.131.090, 43.131.100, 43.131.130, 43.131.150, and 43.131.900; adding new sections to chapter 43.131 RCW; repealing RCW 43.131.050, 43.131.060, 43.131.070, and 43.131.080; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2441 and advanced the bill as amended by the Senate to final passage.

Representatives Wensman and Romero spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Chopp stated the question before the House to be final passage of Substitute House Bill No. 2441 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2441 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,

Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 2441, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2000

Mr. Speaker:

The Senate receded from the Health and Long-Term Care Committee striking amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380, adopted on March 1, 2000. Under Suspension of Rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted Amendment #277, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.20.020 and 1998 c 272 s 14 are each amended to read as follows:

As used in this chapter:

(1) "Aged person" means a person of the age sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(2) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to ~~((three))~~ seven or more aged persons not related by blood or marriage to the operator. ~~((#))~~ However, a boarding home that is licensed to provide board and domiciliary care to three to six persons on the effective date of this act may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) "Secretary" means the secretary of social and health services.

(5) "Department" means the state department of social and health services.

~~(((6) "Authorized department" means any city, county, city-county health department or health district authorized by the secretary to carry out the provisions of this chapter.))~~

Sec. 2. RCW 18.20.040 and 1957 c 253 s 4 are each amended to read as follows:

An application for a license shall be made to the department ~~((or authorized department))~~ upon forms provided by ~~((either of said departments))~~ the department and shall contain such information as the department reasonably requires, which shall include affirmative evidence of ability to comply with such rules ~~((and regulations))~~ as are lawfully ~~((promulgated))~~ adopted by the ~~((board))~~ department.

Sec. 3. RCW 18.20.050 and 1987 c 75 s 3 are each amended to read as follows:

Upon receipt of an application for license, if the applicant and the boarding home facilities meet the requirements established under this chapter, the department ~~((or the department and the authorized health department jointly,))~~ shall issue a license. If there is a failure to comply with the

provisions of this chapter or the standards~~(,)~~ and rules~~(, and regulations promulgated)~~ adopted pursuant thereto, the department~~(, or the department and authorized health department,)~~ may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the boarding home for a period to be determined by the department, ~~((or the department and authorized health department,))~~ but not to exceed twelve months, which provisional license shall not be subject to renewal. At the time of the application for or renewal of a license or provisional license the licensee shall pay a license fee as established by the department under RCW 43.20B.110. ~~((When the license or provisional license is issued jointly by the department and authorized health department, the license fee shall be paid to the authorized health department.))~~ All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed twelve months in duration~~((: PROVIDED, That))~~. However, when the annual license renewal date of a previously licensed boarding home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. All applications for renewal of a license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 4. RCW 18.20.110 and 1985 c 213 s 7 are each amended to read as follows:

The department ~~((or authorized health department))~~ shall make or cause to be made at least a yearly inspection and investigation of all boarding homes. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records (other than financial records), methods of administration, the general and special dietary, and the stores and methods of supply. Following such an inspection or inspections, written notice of any violation of this law or the rules ~~((and regulations promulgated))~~ adopted hereunder~~(,)~~ shall be given to the applicant or licensee and the department. The department may prescribe by ~~((regulations))~~ rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the ~~((department or to the authorized department))~~ agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the ~~((regulations))~~ rules and standards herein authorized.

Sec. 5. RCW 18.20.120 and 1994 c 214 s 25 are each amended to read as follows:

All information received by the department ~~((or authorized health department))~~ through filed reports, inspections, or as otherwise authorized under this chapter~~(,)~~ shall not be disclosed publicly in any manner as to identify individuals or boarding homes, except at the specific request of a member of the public and disclosure is consistent with RCW 42.17.260(1).

Sec. 6. RCW 18.20.130 and 1995 c 369 s 4 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all boarding homes to be licensed hereunder, shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall adopt such recognized standards as may be applicable to boarding homes for the protection of life against the cause and spread of fire and fire hazards. The department, upon receipt of an application for a license, shall submit to the chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the boarding home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire ~~((regulations))~~ rules as ~~((promulgated))~~ adopted by the chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the boarding home and the department ~~((or authorized department))~~

as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire (~~(regulations)~~) rules. The department, (~~(authorized department,)~~) applicant, or licensee shall notify the chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the boarding home to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department (~~(or authorized department,)~~) a written report approving same with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for boarding homes adopted by the chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, and they shall jointly approve the premises before a full license can be issued.

Sec. 7. RCW 18.20.190 and 1998 c 272 s 15 are each amended to read as follows:

(1) The department of social and health services is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that a boarding home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated a boarding home without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a license; or

(e) Suspend admissions to the boarding home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any new resident until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification. Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

NEW SECTION. **Sec. 8.** A new section is added to chapter 18.20 RCW to read as follows:

(1) In an effort to ensure a cooperative process among the department, boarding home provider representatives, and resident and family representatives on matters pertaining to the boarding home program, the secretary, or his or her designee, shall designate an advisory board. The advisory board must include representatives of the state-wide boarding home associations, the state long-term care ombudsman program, the state-wide resident council program, consumers, and family representatives. Depending on the topic to be discussed, the department may invite other representatives in addition to

the named members of the advisory board. The secretary, or his or her designee, shall periodically, but not less than quarterly, convene a meeting of the advisory board to encourage open dialogue on matters affecting the boarding home program. It is, minimally, expected that the department will discuss with the advisory board the department's inspection, enforcement, and quality improvement activities, in addition to seeking their comments and recommendations on matters described under subsection (2) of this section.

(2) The secretary, or his or her designee, shall seek comments and recommendations from the advisory board prior to the adoption of rules and standards, implementation of boarding home provider programs, or development of methods and rates of payment.

(3) For the purpose of implementing this section, "department" means either the department of health or the department of social and health services, depending on which department has the licensing authority under this chapter.

Sec. 9. 1998 c 272 s 24 (uncodified) is amended to read as follows:

(1) Section((s)) 13 (~~(through 16)~~) of this act expires July 1, 2000(~~(, unless reauthorized by the legislature)~~).

(2) Section 17 of this act expires December 12, 1999.

NEW SECTION. **Sec. 10.** The following acts or parts of acts are each repealed:

(1) RCW 18.20.060 (Actions against license) and 1991 c 3 s 35, 1989 c 175 s 60, 1985 c 213 s 5, & 1957 c 253 s 6; and

(2) RCW 18.20.100 (Enforcement by local authorities--Authorization) and 1979 c 141 s 26 & 1957 c 253 s 10.

NEW SECTION. **Sec. 11.** This act takes effect July 1, 2000."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 18.20.020, 18.20.040, 18.20.050, 18.20.110, 18.20.120, 18.20.130, and 18.20.190; amending 1998 c 272 s 24 (uncodified); adding a new section to chapter 18.20 RCW; repealing RCW 18.20.060 and 18.20.100; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2380 and advanced the bill as amended by the Senate to final passage.

Representatives Cody and Pflug spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Chopp stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2380 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2380 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins,

Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute House Bill No. 2380, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2000

Mr. Speaker:

The Senate receded from the Health and Long-Term Care Committee amendment(s) to HOUSE BILL NO. 2510, adopted on March 1, 2000. Under Suspension of Rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted Amendment #274, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.127.010 and 1999 c 190 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means an individual responsible for managing the operation of an agency.

(2) "Department" means the department of health.

~~((2))~~ (3) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, and related services that support the plan of care provided in home health and hospice agencies.

(4) "Family" means individuals who are important to, and designated by, the patient or client and who need not be relatives.

(5) "Home care agency" means a ~~((private or public agency or organization that administers or provides))~~ person administering or providing home care services directly or through a contract arrangement to ~~((ill, disabled, or infirm persons))~~ individuals in places of temporary or permanent residence.

~~((3))~~ (6) "Home care services" means ~~((personal care services, homemaker services, respite care services, or any other))~~ nonmedical services and assistance provided to ill, disabled, ~~((or))~~ infirm ~~((persons which services enable these persons to remain in their own residences consistent with their desires, abilities, and safety))~~, or vulnerable individuals that enable them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding, and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical services.

~~((4))~~ (7) "Home health agency" means a ~~((private or public agency or organization that administers or provides home health aide services or))~~ person administering or providing two or more home health services directly or through a contract arrangement to ~~((ill, disabled, or infirm persons))~~ individuals in places of temporary or permanent residence. ~~((A private or public agency or organization that administers or provides))~~ A person administering or providing nursing services only may elect to be designated a home health agency for purposes of licensure.

~~((5))~~ (8) "Home health services" means ~~((health or medical))~~ services provided to ill, disabled, ~~((or))~~ infirm ~~((persons))~~, or vulnerable individuals. These services ~~((may be of an acute or maintenance care nature, and))~~ include but are not limited to nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory

therapy services, nutritional services, medical social services, and home medical supplies or equipment services.

~~((6))~~ (9) "Home health aide services" means services provided by a home health agency or a hospice agency under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract to a home health or hospice agency. Such care includes ambulation and exercise, assistance with self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services.

~~((7) "Homemaker services" means services that assist ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management.~~

~~(8))~~ (10) "Home medical supplies" or "equipment services" means diagnostic, treatment, and monitoring equipment and supplies provided for the direct care of individuals within a plan of care.

(11) "Hospice agency" means a ~~((private or public agency or organization))~~ person administering or providing hospice ~~((care))~~ services directly or through a contract arrangement to ~~((terminally ill persons))~~ individuals in places of temporary or permanent residence ~~((by using))~~ under the direction of an interdisciplinary team composed of at least ((nursing)) a nurse, social ((work)) worker, physician, ((and pastoral or)) spiritual ((counseling)) counselor, and a volunteer.

~~((9))~~ (12) "Hospice care center" means a homelike, noninstitutional facility where hospice services are provided, and that meets the requirements for operation under section 21 of this act.

(13) "Hospice ~~((care))~~ services" means~~((:-(a) Palliative care))~~ symptom and pain management provided to a terminally ill ((person)) individual, and emotional, spiritual, and bereavement support for the individual and family in a place of temporary or permanent residence ((that alleviates physical symptoms, including pain, as well as alleviates the emotional and spiritual discomfort associated with dying; and (b) bereavement care provided to the family of a terminally ill person that alleviates the emotional and spiritual discomfort associated with the death of a family member. Hospice care)), and may include the provision of home health and ((medical services and personal care, respite, or homemaker services. Family means individuals who are important to and designated by the patient, and who need not be relatives.

~~(10) "Ill, disabled, or infirm persons" means persons who need home health, hospice, or home care services in order to maintain themselves in their places of temporary or permanent residence.~~

~~(11) "Personal care services" means services that assist ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self care.~~

~~(12) "Public or private agency or organization" means an entity that employs or contracts with two or more persons who provide care in the home.~~

~~(13) "Respite care services" means services that assist or support the primary care giver on a scheduled basis)) home care services for the terminally ill individual.~~

(14) "In-home services agency" means a person licensed to administer or provide home health, home care, hospice services, or hospice care center services directly or through a contract arrangement to individuals in a place of temporary or permanent residence.

(15) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private agency or organization, or the legal successor thereof that employs or contracts with two or more individuals.

(16) "Plan of care" means a written document based on assessment of individual needs that identifies services to meet these needs.

(17) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(18) "Service area" means the geographic area in which the department has given prior approval to a licensee to provide home health, hospice, or home care services.

(19) "Survey" means an inspection conducted by the department to evaluate and monitor an agency's compliance with this chapter.

Sec. 2. RCW 70.127.020 and 1988 c 245 s 3 are each amended to read as follows:

(1) After July 1, 1990, ~~((no private or public agency or organization may))~~ a license is required for a person to advertise, operate, manage, conduct, open, or maintain ~~((a home health agency without first obtaining a home health agency license from the department))~~ an in-home services agency.

(2) ~~((After July 1, 1990, no private or public agency or organization may advertise, operate, manage, conduct, open, or maintain a hospice agency without first obtaining a hospice agency license from the department.~~

~~(3) After July 1, 1990, no public or private agency or organization may advertise, operate, manage, conduct, open, or maintain a home care agency without first obtaining a home care agency license from the department.)~~ An in-home services agency license is required for a nursing home, hospital, or other person that functions as a home health, hospice, hospice care center, or home care agency.

Sec. 3. RCW 70.127.030 and 1988 c 245 s 4 are each amended to read as follows:

It is unlawful for any person to use the words:

(1) ~~((No person may use the words))~~ "Home health agency," "home health care services," ~~((or))~~ "visiting nurse services," "home health," or "home health services" in its corporate or business name, or advertise using such words unless licensed ~~((as a home health agency))~~ to provide those services under this chapter~~((-))~~;

(2) ~~((No person may use the words))~~ "Hospice agency," ~~((or))~~ "hospice," "hospice services," "hospice care," or "hospice care center" in its corporate or business name, or advertise using such words unless licensed ~~((as a hospice agency))~~ to provide those services under this chapter~~((-))~~;

(3) ~~((No person may use the words))~~ "Home care agency," ~~((or))~~ "home care services," or "home care" in its corporate or business name, or advertise using such words unless licensed ~~((as a home care agency))~~ to provide those services under this chapter~~((-))~~; or

(4) "In-home services agency," "in-home services," or any similar term to indicate that a person is a home health, home care, hospice care center, or hospice agency in its corporate or business name, or advertise using such words unless licensed to provide those services under this chapter.

Sec. 4. RCW 70.127.040 and 1993 c 42 s 2 are each amended to read as follows:

The following are not subject to regulation for the purposes of this chapter:

(1) A family member providing home health, hospice, or home care services;

(2) ~~((An organization that))~~ A person who provides only meal services in ~~((a person's))~~ an individual's permanent or temporary residence;

(3) ~~((Entities))~~ An individual providing home care through a direct agreement with a recipient of care in an individual's permanent or temporary residence;

(4) A person furnishing ~~((durable))~~ or delivering home medical supplies or equipment that does not involve the ~~((delivery))~~ provision of ~~((professional))~~ services beyond those necessary to deliver, set up, and monitor the proper functioning of the equipment and educate the user on its proper use;

~~((4))~~ (5) A person who provides services through a contract with a licensed agency;

~~((5))~~ (6) An employee or volunteer of a licensed agency who provides services only as an employee or volunteer;

~~((6))~~ (7) Facilities and institutions, including but not limited to nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41 RCW, adult family homes under chapter 70.128 RCW, boarding homes under chapter 18.20 RCW, developmental disability residential programs under chapter 71.12 RCW, other entities licensed under chapter 71.12 RCW, or other licensed facilities and institutions, only when providing services to persons residing within the facility or institution ~~((if the delivery of the services is regulated by the state;~~

~~((7) Persons))~~;

(8) Local and combined city-county health departments providing services under chapters 70.05 and 70.08 RCW;

(9) An individual providing care to ill, disabled ~~((persons))~~, infirm, or vulnerable individuals through a contract with the department of social and health services;

~~((8))~~ (10) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;

~~((9))~~ (11) In-home assessments of an ill, disabled, vulnerable, or infirm ~~((person's ability to adapt to the home environment))~~ individual that does not result in regular ongoing care at home;

~~((10))~~ (12) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents;

~~((11))~~ (13) A medicare-approved dialysis center operating a medicare-approved home dialysis program;

~~((12))~~ (14) A person providing case management services ((which do not include the direct delivery of home health, hospice, or home care services)). For the purposes of this subsection, "case management" means the assessment, coordination, authorization, planning, training, and monitoring of home health, hospice, and home care, and does not include the direct provision of care to an individual;

~~((13))~~ (15) Pharmacies licensed under RCW 18.64.043 that deliver prescription drugs and durable medical equipment that does not involve the use of professional services beyond those authorized to be performed by licensed pharmacists pursuant to chapter 18.64 RCW and those necessary to set up and monitor the proper functioning of the equipment and educate the person on its proper use;

(16) A volunteer hospice complying with the requirements of RCW 70.127.050; and

(17) A person who provides home care services without compensation.

Sec. 5. RCW 70.127.050 and 1993 c 42 s 3 are each amended to read as follows:

(1) An entity that provides hospice care without receiving compensation for delivery of any of its services is exempt from licensure pursuant to RCW 70.127.020~~((2))~~ (1) if it notifies the department, on forms provided by the department, of its name, address, name of owner, and a statement affirming that it provides hospice care without receiving compensation for delivery of any of its services. This form must be filed with the department ~~((within sixty days after June 30, 1993, or))~~ within sixty days after being informed in writing by the department of this requirement for obtaining exemption from licensure under this chapter.

(2) For the purposes of this section, it is not relevant if the entity compensates its staff. For the purposes of this section, the word "compensation" does not include donations.

(3) Notwithstanding the provisions of RCW 70.127.030(2), an entity that provides hospice care without receiving compensation for delivery of any of its services is allowed to use the phrase "volunteer hospice."

(4) Nothing in this chapter precludes an entity providing hospice care without receiving compensation for delivery of any of its services from obtaining a hospice license if it so chooses, but that entity would be exempt from the requirements set forth in RCW 70.127.080(1)(d) ~~((and (e)))~~.

Sec. 6. RCW 70.127.080 and 1999 c 190 s 2 are each amended to read as follows:

(1) An applicant for ~~((a home health, hospice, or home care))~~ an in-home services agency license shall:

(a) File a written application on a form provided by the department;

(b) Demonstrate ability to comply with this chapter and the rules adopted under this chapter;

(c) Cooperate with on-site ~~((review))~~ survey conducted by the department ~~((prior to licensure or renewal))~~ except as provided in RCW 70.127.085;

(d) Provide evidence of and maintain professional liability, public liability, and property damage insurance ~~((in the amount of one hundred thousand dollars per occurrence or adequate self-insurance as approved by the department))~~ in an amount established by the department, based on industry standards. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;

(e) ~~((Provide evidence of and maintain public liability and property damage insurance coverage in the sum of fifty thousand dollars for injury or damage to property per occurrence and fifty thousand dollars for injury or damage, including death, to any one person and one hundred thousand dollars for injury or damage, including death, to more than one person, or evidence of adequate self insurance for~~

~~public liability and property damage as approved by the department. This subsection shall not apply to hospice agency applicants that provide hospice care without receiving compensation for delivery of services;~~

~~(f))~~ Provide ~~((such proof as the department may require concerning))~~ documentation of an organizational structure, and the identity of the applicant, officers, ~~administrator,~~ directors of clinical services, partners, managing employees, or owners of ten percent or more of the applicant's assets;

~~((g))~~ (f) File with the department for approval a description of the service area in which the applicant will operate and a description of how the applicant intends to provide management and supervision of services throughout the service area. The department shall adopt rules necessary to establish criteria for approval that are related to appropriate management and supervision of services throughout the service area. In developing the rules, the department may not establish criteria that:

(i) Limit the number or type of agencies in any service area; or

(ii) Limit the number of persons any agency may serve within its service area unless the criteria are related to the need for trained and available staff to provide services within the service area;

~~((h))~~ (g) File with the department a list of the home health, hospice, and home care services ~~((offered))~~ provided directly and under contract;

~~((i))~~ (h) Pay to the department a license fee as provided in RCW 70.127.090; ~~((and~~

~~((j))~~ (i) Comply with RCW 43.43.830 through 43.43.842 for criminal background checks; and

(j) Provide any other information that the department may reasonably require.

(2) A certificate of need under chapter 70.38 RCW is not required for licensure except for the operation of a hospice care center.

~~((3) A license or renewal shall not be granted pursuant to this chapter if the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets, within the last five years have been found in a civil or criminal proceeding to have committed any act which reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another.-))~~

Sec. 7. RCW 70.127.085 and 1993 c 42 s 11 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 70.127.080(1)(c), ~~((a home health or hospice agency))~~ an in-home services agency that is certified by the federal medicare program, or accredited by the community health accreditation program, or the joint commission on accreditation of health care organizations as a home health or hospice agency ~~((shall be granted the applicable renewal license, without necessity of))~~ is not subject to a state licensure ((on-site)) survey if:

(a) The department determines that the applicable survey standards of the certification or accreditation program are substantially equivalent to those required by this chapter;

(b) An on-site survey has been conducted for the purposes of certification or accreditation during the previous twenty-four months; and

(c) The department receives directly from the certifying or accrediting entity or from the licensee applicant copies of the initial and subsequent survey reports and other relevant reports or findings that indicate compliance with licensure requirements.

(2) Notwithstanding the provisions of RCW 70.127.080(1)(c), ~~((a home care agency))~~ an in-home services agency providing services under contract with the department of social and health services or area agency on aging to provide home care services and that is monitored by the department of social and health services or area agency on aging ~~((shall be granted a renewal license, without necessity of an on-site))~~ is not subject to a state licensure survey by the department of health if:

(a) The department determines that the department of social and health services or an area agency on aging monitoring standards are substantially equivalent to those required by this chapter;

(b) An on-site monitoring has been conducted by the department of social and health services or an area agency on aging during the previous twenty-four months;

(c) The department of social and health services or an area agency on aging includes in its monitoring a sample of private pay clients, if applicable; and

(d) The department receives directly from the department of social and health services copies of monitoring reports and other relevant reports or findings that indicate compliance with licensure requirements.

(3) The department retains authority to survey those services areas not addressed by the national accrediting body, department of social and health services, or an area agency on aging.

(4) In reviewing the federal, the joint commission on accreditation of health care organizations, the community health accreditation program, or the department of social and health services survey standards for substantial equivalency to those set forth in this chapter, the department is directed to provide the most liberal interpretation consistent with the intent of this chapter. In the event the department determines at any time that the survey standards are not substantially equivalent to those required by this chapter, the department is directed to notify the affected licensees. The notification shall contain a detailed description of the deficiencies in the alternative survey process, as well as an explanation concerning the risk to the consumer. The determination of substantial equivalency for alternative survey process and lack of substantial equivalency are agency actions and subject to RCW 34.05.210 through 34.05.395 and 34.05.510 through ~~((34.05.680))~~ 34.05.675.

~~((4) Agencies receiving a license without necessity of an on-site survey by the department under this chapter shall pay the same licensure or transfer fee as other agencies in their licensure category. It is the intent of this section that the licensure fees for all agencies will be lowered by the elimination of the duplication that currently exists.))~~

(5) ~~((In order to avoid unnecessary costs,))~~ The department is ~~((not))~~ authorized to perform a validation survey ~~((if it is also the agency performing the certification or accreditation survey. Where this is not the case,))~~ on in-home services agencies who previously received a survey through accreditation or contracts with the department of social and health services or an area agency on aging under subsection (2) of this section. The department is authorized to perform a validation survey on no greater than ~~((five))~~ ten percent of each type of certification or accreditation survey.

(6) This section does not affect the department's enforcement authority for licensed agencies.

Sec. 8. RCW 70.127.090 and 1999 c 190 s 3 are each amended to read as follows:

(1) Application and renewal fee: An application for a license or any renewal shall be accompanied by a fee as established by the department under RCW 43.70.250. The department shall adopt by rule licensure fees based on a sliding scale using such factors as the number of agency full-time equivalents, geographic area served, number of locations, or type and volume of services provided. For agencies receiving a licensure survey that requires more than two on-site ~~((reviews))~~ surveys by the department per licensure period, an additional fee as determined by the department by rule shall be charged for each additional on-site ~~((review))~~ survey. ~~((The department shall charge a reasonable fee for processing changes in ownership.))~~ The department may set different licensure fees for each licensure category. Agencies receiving a license without necessity of an on-site survey by the department under this chapter shall pay the same licensure or transfer fee as other agencies in their licensure category.

(2) Change of ownership fee: The department shall charge a reasonable fee for processing changes in ownership. The fee for transfer of ownership may not exceed fifty percent of the base licensure fee.

(3) Late fee: The department may establish a late fee for failure to apply for licensure or renewal as required by this chapter.

Sec. 9. RCW 70.127.100 and 1993 c 42 s 6 are each amended to read as follows:

Upon receipt of an application under RCW 70.127.080 for a license and the license fee, the department shall issue a license if the applicant meets the requirements established under this chapter. A license issued under this chapter shall not be transferred or assigned without thirty days prior notice to the department and the department's approval. A license, unless suspended or revoked, is effective for a period of two years, however an initial license is only effective for twelve months. The department shall conduct ~~((an on-site review))~~ a survey within each licensure period~~((The department))~~ and may conduct a licensure survey after ownership transfer. ~~((The fee for this survey may not exceed fifty percent of the base licensure fee. The department may establish penalty fees for failure to apply for licensure or renewal as required by this chapter.))~~

Sec. 10. RCW 70.127.120 and 1993 c 42 s 8 are each amended to read as follows:

The department shall adopt rules consistent with RCW 70.127.005 necessary to implement this chapter under chapter 34.05 RCW. In order to ensure safe and adequate care, the rules shall address at a minimum the following:

- (1) Maintenance and preservation of all records relating directly to the care and treatment of ~~((persons))~~ individuals by licensees;
- (2) Establishment and implementation of a procedure for the receipt, investigation, and disposition of complaints ~~((by the department))~~ regarding services provided ~~((by licensees))~~;
- (3) Establishment and implementation of a plan for ~~((on-going))~~ ongoing care of ~~((persons))~~ individuals and preservation of records if the licensee ceases operations;
- (4) Supervision of services;
- (5) ~~((Maintenance))~~ Establishment and implementation of written policies regarding response to referrals and access to services ~~((at all times))~~;
- (6) ~~((Maintenance))~~ Establishment and implementation of written personnel policies ~~((and))~~, procedures and personnel records for paid staff that provide for ~~((rehire))~~ prehire screening, minimum qualifications, regular performance evaluations, including observation in the home, participation in orientation and in-service training, and involvement in quality ~~((assurance))~~ improvement activities. The department may not establish experience or other qualifications for agency personnel or contractors beyond that required by state law;
- (7) ~~((Maintenance))~~ Establishment and implementation of written policies and procedures for volunteers ~~((that))~~ who have direct patient/client contact and that provide for background and health screening, orientation, and supervision; ~~((and))~~
- (8) ~~((Maintenance))~~ Establishment and implementation of written policies ~~((on))~~ for obtaining regular reports on patient satisfaction;
- (9) Establishment and implementation of a quality improvement process; and
- (10) Establishment and implementation of policies related to the delivery of care including:
 - (a) Plan of care for each individual served;
 - (b) Periodic review of the plan of care;
 - (c) Supervision of care and clinical consultation as necessary;
 - (d) Care consistent with the plan;
 - (e) Admission, transfer, and discharge from care; and
 - (f) For hospice services:
 - (i) Availability of twenty-four hour seven days a week hospice registered nurse consultation and in-home services as appropriate;
 - (ii) Interdisciplinary team communication as appropriate and necessary; and
 - (iii) The use and availability of volunteers to provide family support and respite care.

Sec. 11. RCW 70.127.125 and 1993 c 42 s 7 are each amended to read as follows:

The department is directed to continue to develop, with opportunity for comment from licensees, interpretive guidelines that are specific to each type of ~~((license))~~ service and consistent with legislative intent.

Sec. 12. RCW 70.127.140 and 1988 c 245 s 15 are each amended to read as follows:

- (1) ~~((A licensee))~~ An in-home services agency shall provide each ~~((person))~~ individual or designated representative with a written bill of rights affirming each ~~((person's))~~ individual's right to:
 - (a) A listing of the in-home services offered by the in-home services agency and those being provided;
 - (b) The name of the ~~((person))~~ individual supervising the care and the manner in which that ~~((person))~~ individual may be contacted;
 - (c) A description of the process for submitting and addressing complaints;
 - (d) Submit complaints without retaliation and to have the complaint addressed by the agency;
 - (e) Be informed of the state complaint hotline number;
 - (f) A statement advising the ~~((person))~~ individual or representative of the right to ~~((participate))~~ ongoing participation in the development of the plan of care;

~~((e))~~ (g) A statement providing that the ~~((person))~~ individual or representative is entitled to information regarding access to the department's ~~((registry))~~ listing of providers and to select any licensee to provide care, subject to the ~~((patient's))~~ individual's reimbursement mechanism or other relevant contractual obligations;

~~((f))~~ (h) Be treated with courtesy, respect, privacy, and freedom from abuse and discrimination;

~~((g))~~ (i) Refuse treatment or services;

~~((h) Have patient records be confidential; and~~

~~(i) Have))~~ (j) Have property treated with respect;

(k) Privacy of personal information and confidentiality of health care records;

(l) Be cared for by properly trained staff ~~((and))~~ with coordination of services;

(m) A fully itemized billing statement upon request, including the date of each service and the charge. Licensees providing services through a managed care plan shall not be required to provide itemized billing statements; and

(n) Be informed about advanced directives and the agency's responsibility to implement them.

(2) ~~((Upon request, a licensee shall provide each person or designated representative with a fully itemized billing statement at least monthly, including the date of each service and the charge. Licensees providing services through a managed care plan shall not be required to provide itemized billing statements.))~~ An in-home services agency shall ensure rights under this section are implemented and updated as appropriate.

Sec. 13. RCW 70.127.150 and 1988 c 245 s 16 are each amended to read as follows:

No licensee, contractee, or employee may hold a durable power of attorney on behalf of any ~~((person))~~ individual who is receiving care from the licensee.

Sec. 14. RCW 70.127.170 and 1988 c 245 s 18 are each amended to read as follows:

Pursuant to chapter 34.05 RCW and RCW 70.127.180(3), the department may deny, restrict, condition, modify, suspend, or revoke a license under this chapter or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, or require a refund of any amounts billed to, and collected from, the consumer or third-party payor in any case in which it finds that the licensee, or any applicant, officer, director, partner, managing employee, or owner of ten percent or more of the applicant's or licensee's assets:

(1) Failed or refused to comply with the requirements of this chapter or the standards or rules adopted under this chapter;

(2) Was the holder of a license issued pursuant to this chapter that was revoked for cause and never reissued by the department, or that was suspended for cause and the terms of the suspension have not been fulfilled and the licensee has continued to operate;

(3) Has knowingly or with reason to know made a misrepresentation of, false statement of, or failed to disclose, a material fact to the department in ((the)) an application for the license or any data attached thereto or in any record required by this chapter or matter under investigation by the department, or during a survey, or concerning information requested by the department;

(4) Refused to allow representatives of the department to inspect any book, record, or file required by this chapter to be maintained or any portion of the licensee's premises;

(5) Willfully prevented, interfered with, or attempted to impede in any way the work of any representative of the department and the lawful enforcement of any provision of this chapter. This includes but is not limited to: Willful misrepresentation of facts during a survey, investigation, or administrative proceeding or any other legal action; or use of threats or harassment against any patient, client, or witness, or use of financial inducements to any patient, client, or witness to prevent or attempt to prevent him or her from providing evidence during a survey or investigation, in an administrative proceeding, or any other legal action involving the department;

(6) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of this chapter or the rules adopted under this chapter;

(7) Failed to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after the assessment becomes final;

- (8) Used advertising that is false, fraudulent, or misleading;
- (9) Has repeated incidents of personnel performing services beyond their authorized scope of practice; ~~((or))~~
- (10) Misrepresented or was fraudulent in any aspect of the conduct of the licensee's business;
- (11) Within the last five years, has been found in a civil or criminal proceeding to have committed any act that reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another;
- (12) Was the holder of a license to provide care or treatment to ill, disabled, infirm, or vulnerable individuals that was denied, restricted, not renewed, surrendered, suspended, or revoked by a competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the denial, restriction, nonrenewal, surrender, suspension, or revocation;
- (13) Violated any state or federal statute, or administrative rule regulating the operation of the agency;
- (14) Failed to comply with an order issued by the secretary or designee;
- (15) Aided or abetted the unlicensed operation of an in-home services agency;
- (16) Operated beyond the scope of the in-home services agency license;
- (17) Failed to adequately supervise staff to the extent that the health or safety of a patient or client was at risk;
- (18) Compromised the health or safety of a patient or client, including, but not limited to, the individual performing services beyond their authorized scope of practice;
- (19) Continued to operate after license revocation, suspension, or expiration, or operating outside the parameters of a modified, conditioned, or restricted license;
- (20) Failed or refused to comply with chapter 70.02 RCW;
- (21) Abused, neglected, abandoned, or financially exploited a patient or client as these terms are defined in RCW 74.34.020;
- (22) Misappropriated the property of an individual;
- (23) Is unqualified or unable to operate or direct the operation of the agency according to this chapter and the rules adopted under this chapter;
- (24) Obtained or attempted to obtain a license by fraudulent means or misrepresentation; or
- (25) Failed to report abuse or neglect of a patient or client in violation of chapter 74.34 RCW.

Sec. 15. RCW 70.127.180 and 1988 c 245 s 19 are each amended to read as follows:

(1) The department may at any time conduct ~~((an on-site review))~~ a survey of all records and operations of a licensee ~~((or conduct in-home visits))~~ in order to determine compliance with this chapter. The department may ~~((also examine and audit records necessary to determine compliance with this chapter))~~ conduct in-home visits to observe patient/client care and services. The right to conduct ~~((an on-site review and audit and examination of records))~~ a survey shall extend to any premises and records of persons whom the department has reason to believe are providing home health, hospice, or home care services without a license.

(2) Following ~~((an on-site review, in-home visit, or audit))~~ a survey, the department shall give written notice of any violation of this chapter or the rules adopted under this chapter. The notice shall describe the reasons for noncompliance ~~((and inform the licensee that it must comply within a specified reasonable time, not to exceed sixty days. If the licensee fails to comply, the licensee is subject to disciplinary action under RCW 70.127.170)).~~

(3) The licensee may be subject to formal enforcement action under RCW 70.127.170 if the department determines: (a) The licensee has previously been subject to a formal enforcement action for the same or similar type of violation of the same statute or rule, or has been given previous notice of the same or similar type of violation of the same statute or rule; (b) the licensee failed to achieve compliance with a statute, rule, or order by the date established in a previously issued notice or order; (c) the violation resulted in actual serious physical or emotional harm or immediate threat to the health, safety, welfare, or rights of one or more individuals; or (d) the violation has a potential for serious physical or emotional harm or immediate threat to the health, safety, welfare, or rights of one or more individuals.

Sec. 16. RCW 70.127.190 and 1988 c 245 s 20 are each amended to read as follows:

All information received by the department through filed reports, ~~((audits, on-site reviews,))~~ surveys, and in-home visits~~((, or as otherwise authorized))~~ conducted under this chapter shall not be disclosed publicly in any manner that would identify ~~((persons))~~ individuals receiving care under this chapter.

Sec. 17. RCW 70.127.200 and 1988 c 245 s 21 are each amended to read as follows:

(1) Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law and upon the advice of the attorney general, who shall represent the department in the proceedings, maintain an action in the name of the state for an injunction or other process against any person to restrain or prevent the advertising, operating, maintaining, managing, or opening of a home health, hospice, hospice care center, or home care agency without ~~((a))~~ an in-home services agency license under this chapter.

(2) The injunction shall not relieve the person operating an in-home services agency without a license from criminal prosecution, or the imposition of a civil fine under section 19(2) of this act, but the remedy by injunction shall be in addition to any criminal liability or civil fine. A person that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be deposited in the department's local fee account. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties. All fines, forfeitures, and penalties collected or assessed by a court because of a violation of RCW 70.127.020 shall be deposited in the department's local fee account.

Sec. 18. RCW 70.127.210 and 1988 c 245 s 22 are each amended to read as follows:

(1) Any person violating RCW 70.127.020 is guilty of a misdemeanor. Each day of a continuing violation is a separate violation.

(2) If any corporation conducts any activity for which a license is required by this chapter without the required license, it may be punished by forfeiture of its corporate charter. All fines, forfeitures, and penalties collected or assessed by a court because of a violation of RCW 70.127.020 shall be deposited in the department's local fee account.

NEW SECTION. **Sec. 19.** A new section is added to chapter 70.127 RCW to read as follows:

(1) The department may issue a notice of intention to issue a cease and desist order to any person whom the department has reason to believe is engaged in the unlicensed operation of an in-home services agency. The person to whom the notice of intent is issued may request an adjudicative proceeding to contest the charges. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the department may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(2) If the department makes a final determination that a person has engaged or is engaging in unlicensed operation of an in-home services agency, the department may issue a cease and desist order. In addition, the department may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in unlicensed operation of an in-home services agency. The proceeds of such fines shall be deposited in the department's local fee account.

(3) If the department makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the department may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the department. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the department may enter a permanent cease and desist order, which may include a civil fine.

(4) Neither the issuance of a cease and desist order nor payment of a civil fine shall relieve the person so operating an in-home services agency without a license from criminal prosecution, but the

remedy of a cease and desist order or civil fine shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed operation and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

NEW SECTION. Sec. 20. A new section is added to chapter 70.127 RCW to read as follows:
The legislature finds that the operation of an in-home services agency without a license in violation of this chapter is a matter vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Operation of an in-home services agency without a license in violation of this chapter is not reasonable in relation to the development and preservation of business. Such a violation is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 21. A new section is added to chapter 70.127 RCW to read as follows:
(1) Applicants desiring to operate a hospice care center are subject to the following:
(a) The application may only be made by a licensed hospice agency. The agency shall list which of the following service categories will be provided:
(i) General inpatient care;
(ii) Continuous home care;
(iii) Routine home care; or
(iv) Inpatient respite care;
(b) A certificate of need is required under chapter 70.38 RCW;
(c) A hospice agency may operate more than one hospice care center in its service area;
(d) For hospice agencies that operate a hospice care center, no more than forty-nine percent of patient care days, in the aggregate on a biennial basis, may be provided in the hospice care center;
(e) The maximum number of beds in a hospice care center is twenty;
(f) The maximum number of individuals per room is one, unless the individual requests a roommate;
(g) A hospice care center may either be owned or leased by a hospice agency. If the agency leases space, all delivery of interdisciplinary services, to include staffing and management, shall be done by the hospice agency; and
(h) A hospice care center may either be freestanding or a separate portion of another building.
(2) The department is authorized to develop rules to implement this section. The rules shall be specific to each hospice care center service category provided. The rules shall at least specifically address the following:
(a) Adequate space for family members to visit, meet, cook, share meals, and stay overnight with patients or clients;
(b) A separate external entrance, clearly identifiable to the public when part of an existing structure;
(c) Construction, maintenance, and operation of a hospice care center;
(d) Means to inform the public which hospice care center service categories are provided; and
(e) A registered nurse present twenty-four hours a day, seven days a week for hospice care centers delivering general inpatient services.
(3) Hospice agencies which as of January 1, 2000, operate the functional equivalent of a hospice care center through licensure as a hospital, under chapter 70.41 RCW, shall be exempt from the certificate of need requirement for hospice care centers if they apply for and receive a license as an in-home services agency to operate a hospice home care center by July 1, 2002.

Sec. 22. RCW 70.38.025 and 1997 c 210 s 2 are each amended to read as follows:
When used in this chapter, the terms defined in this section shall have the meanings indicated.
(1) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.
(2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor)

which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

(3) "Continuing care retirement community" means an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service. A "continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(4) "Department" means the department of health.

(5) "Expenditure minimum" means, for the purposes of the certificate of need program, one million dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

(6) "Health care facility" means hospices, hospice care centers, hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include any health facility or institution conducted by and for those who rely exclusively upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or any health facility or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; and (c) if not contrary to federal law as necessary to the receipt of federal funds by the state.

(7) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(8) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in federal law.

(9) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services.

(10) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(11) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be established by rule of the department, consistent with federal law.

(12) "Public health" means the level of well-being of the general population; those actions in a community necessary to preserve, protect, and promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(13) "Secretary" means the secretary of health or the secretary's designee.

(14) "Tertiary health service" means a specialized service that meets complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

(15) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

NEW SECTION. **Sec. 23.** A new section is added to chapter 70.38 RCW to read as follows:

All certificate of need applications submitted by hospice agencies for the construction, development, or other establishment of a facility to be licensed as either a hospital under chapter 70.41 RCW or as a nursing home under chapter 18.51 RCW, for the purpose of operating the functional equivalent of a hospice care center shall not require a separate certificate of need for a hospice care center provided the certificate of need application was declared complete prior to July 1, 2001, the applicant has been issued a certificate of need, and has applied for and received an in-home services agency license by July 1, 2002.

NEW SECTION. **Sec. 24.** This act takes effect January 1, 2002.

NEW SECTION. **Sec. 25.** The following acts or parts of acts are each repealed:

- (1) RCW 70.127.060 (Nursing homes--Application of chapter) and 1988 c 245 s 7;
- (2) RCW 70.127.070 (Hospitals--Application of chapter) and 1988 c 245 s 8;
- (3) RCW 70.127.110 (Licenses--Combination--Rules--Fees) and 1999 c 190 s 4 & 1988 c 245 s 12;
- (4) RCW 70.127.220 (Agency registry) and 1988 c 245 s 23;
- (5) RCW 70.127.230 (Hospice agencies--Exemption for certain activities) and 1988 c 245 s 24;
- (6) RCW 70.127.240 (Home health or hospice agencies--Exemption for certain activities) and 1988 c 245 s 27;
- (7) RCW 70.127.250 (Home health agencies--Patient care and treatment--Rules--Definitions) and 1994 sp.s. c 9 s 745, 1993 c 42 s 10, & 1988 c 245 s 25;
- (8) RCW 70.127.260 (Hospice agencies--Rules) and 1988 c 245 s 26; and
- (9) RCW 70.127.270 (Home care agencies--Rules) and 1988 c 245 s 28."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 70.127.010, 70.127.020, 70.127.030, 70.127.040, 70.127.050, 70.127.080, 70.127.085, 70.127.090, 70.127.100, 70.127.120, 70.127.125, 70.127.140, 70.127.150, 70.127.170, 70.127.180, 70.127.190, 70.127.200, 70.127.210, and 70.38.025; adding new sections to chapter 70.127 RCW; adding a new section to chapter 70.38 RCW; repealing RCW 70.127.060, 70.127.070, 70.127.110, 70.127.220, 70.127.230, 70.127.240, 70.127.250, 70.127.260, and 70.127.270; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2510 and advanced the bill as amended by the Senate to final passage.

Representatives Edmonds and Pflug spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2510 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2510 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Bill No. 2510, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 2000

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2637 with the following amendment(s) (for amendments, see Journal, 58th Day, March 7, 2000),

and the same are herewith transmitted.

Tony M. Cook, Secretary

Representatives Tokuda and D. Sommers spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 2637 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2637 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Second Substitute House Bill No. 2637, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2000

Mr. Speaker:

The Senate concurred in the House amendments SENATE BILL NO. 6775, on page 2, line 27, page 4, line 33, and page 6, line 13. The President ruled the House amendment to SENATE BILL NO. 6775, on page 8, line 13, outside the Scope and Object of the bill, and the Senate refused to concur in said amendment and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House receded from its amendment(s) to page 8, line 13 of Senate Bill No. 6775, and advanced the bill to final passage.

Representatives Romero and Pennington spoke in favor of final passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6775.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6775 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Voting nay: Representative Wolfe - 1.

Senate Bill No. 6775, as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Representative Morris, having voted on the prevailing side, moved that the rules be suspended, and that the House immediately reconsider the vote on Senate Bill No. 6775. The motion was carried.

RECONSIDERATION

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6775 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6775 on reconsideration and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Senate Bill No. 6775, on reconsideration having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Cooper notified the Chamber of the deaths of a Memphis firefighter, a Shelby County sheriff's deputy and a civilian who were killed at the site of a Memphis house fire. Two civilians were also wounded when a gunman opened fire. The Chamber was asked to remember the families of the dead and wounded.

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

MOTION

On motion of Representative Morris, the House adjourned until 10:00 a.m., Thursday, March 9, 2000, the 60th Legislative Day.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTY NINTH DAY, MARCH 8, 2000

JOURNAL OF THE HOUSE

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

SIXTIETH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 9, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicole Linde and Lindsey Blankenship. Prayer was offered by Pastor Dan Secrist, Faith Assembly of Lacey.

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

MESSAGES FROM THE SENATE

March 9, 2000

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2078,
SUBSTITUTE HOUSE BILL NO. 2343,
HOUSE BILL NO. 2344,
SUBSTITUTE HOUSE BILL NO. 2372,
SUBSTITUTE HOUSE BILL NO. 2377,
SUBSTITUTE HOUSE BILL NO. 2466,
SUBSTITUTE HOUSE BILL NO. 2604,
ENGROSSED HOUSE BILL NO. 2609,

SUBSTITUTE HOUSE BILL NO. 2628,
SUBSTITUTE HOUSE BILL NO. 2670,
HOUSE BILL NO. 2684,
HOUSE BILL NO. 2686,
SUBSTITUTE HOUSE BILL NO. 2766,
SUBSTITUTE HOUSE BILL NO. 2776,
SUBSTITUTE HOUSE BILL NO. 2799,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2867,
HOUSE BILL NO. 2993,
ENGROSSED HOUSE BILL NO. 2995,
SUBSTITUTE HOUSE BILL NO. 3076,
SUBSTITUTE HOUSE BILL NO. 3099,
HOUSE BILL NO. 3154,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1070,
SUBSTITUTE HOUSE BILL NO. 1218,
HOUSE BILL NO. 2330,
SUBSTITUTE HOUSE BILL NO. 2332,
SUBSTITUTE HOUSE BILL NO. 2338,
SUBSTITUTE HOUSE BILL NO. 2345,
SUBSTITUTE HOUSE BILL NO. 2348,
ENGROSSED HOUSE BILL NO. 2424,
HOUSE BILL NO. 2449,

HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2454,
HOUSE BILL NO. 2495,
HOUSE BILL NO. 2505,
HOUSE BILL NO. 2520,
HOUSE BILL NO. 2522,
ENGROSSED HOUSE BILL NO. 2561,
HOUSE BILL NO. 2576,
HOUSE BILL NO. 2579,
SUBSTITUTE HOUSE BILL NO. 2599,
HOUSE BILL NO. 2600,
SUBSTITUTE HOUSE BILL NO. 2644,
SUBSTITUTE HOUSE BILL NO. 2649,
ENGROSSED HOUSE BILL NO. 2755,
HOUSE BILL NO. 2774,
HOUSE BILL NO. 2853,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2934,
SUBSTITUTE HOUSE BILL NO. 3032,
ENGROSSED HOUSE BILL NO. 3105,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 8, 2000

Mr. Speaker:

The Senate has concurred in the House amendment(s) and has passed SUBSTITUTE SENATE BILL NO. 6675 as amended by the House, and the same is herewith transmitted.

Tony M. Cook, Secretary

March 8, 2000

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5802,

SENATE BILL NO. 6216,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 8, 2000

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6336,

ENGROSSED SENATE BILL NO. 6555,

SUBSTITUTE SENATE BILL NO. 6675,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 8, 2000

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4428,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 8, 2000

Mr. Speaker:

The Senate receded from its striking amendment(s) to HOUSE BILL NO. 2353, and passed the bill without said amendment(s), and the same is herewith transmitted.

Tony M. Cook, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4795, by Representatives Van Luven, Kenney, Wensman, Thomas, Barlean, Esser, Dunn and Talcott

WHEREAS, Various forms of Soccer have been around since Roman times, and the United States was the first British colony to start playing soccer-style games; and

WHEREAS, Soccer is now the most popular sport in the world and has become a mainstream spectator sport for all Americans to enjoy, young and old, boys and girls; and

WHEREAS, The Hispanic Soccer League of Washington was established in 1991 by Chon Garcia and other local Mexican restaurant owners to promote family fun and good sportsmanship as a way to keep Hispanic youth positively involved in community activities; and

WHEREAS, The Hispanic Soccer League of Washington consists of 40 teams with more than 800 players; and

WHEREAS, The Hispanic Soccer League of Washington is open to all persons as long as its players uphold the six pillars of character including trustworthiness, respect, responsibility, caring, fairness, and good citizenship; and

WHEREAS, President Esiquel Soltero, Vice President Victor Rangel, and Board Members Pepe Vega, Ted Rodriguez, Raul Perez Calleja, Chon Garcia, and Ernie Aguilar have provided the leadership, support, and guidance to make this important community activity successful; and

WHEREAS, Victor Rangel, professional soccer star for eleven years, a member of the 1976 Olympic Team for Mexico, a 1978 World Cup Soccer standout, and true soccer hero, has come to the state of Washington to lend his valuable skills as a coach for youth soccer and to help promote the Hispanic Soccer League of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Hispanic Soccer League of Washington, the players, coaches, families, and fans, Victor Rangel, and the entire board of directors for making the Hispanic Soccer League of Washington one of Washington's most successful family-oriented American sports leagues; and

BE IT FURTHER RESOLVED, That the Co-Chief Clerks of the House of Representatives immediately transmit copies of this resolution to the Board of Directors of the Hispanic Soccer League of Washington.

Representative Van Luven moved adoption of the resolution.

Representatives Van Luven and Kenney spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4795 was adopted.

HOUSE RESOLUTION NO. 2000-4798, by Representatives Cox, Schoesler and Wensman

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Garfield-Palouse High School Vikings Basketball Team exhibited the highest level of excellence in winning the 1999 Washington State High School Basketball "B" Championship; and

WHEREAS, The Garfield-Palouse High School Vikings Basketball Team had an outstanding season record of 17 wins and only 2 losses and an incredible playoff record of 8 wins and no losses; and

WHEREAS, The Garfield-Palouse High School Vikings Basketball Team demonstrated amazing skill and admirable sportsmanship in achieving these outstanding accomplishments; and

WHEREAS, Head Coach Tim Coles and all the players share in the Garfield-Palouse High School Basketball Team's success by combining outstanding coaching with outstanding playing; and

WHEREAS, All these extraordinary accomplishments could not have been achieved without the support and encouragement of all the students, cheerleaders, band members, faculty, staff, alumni, families, friends, community members, and fans who backed them all the way; and

WHEREAS, The inspiring individual and team achievements of the 1999 Garfield-Palouse High School Vikings Basketball Team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious Garfield-Palouse High School Vikings Basketball Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 1999 Garfield-Palouse High School Vikings Basketball Team; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the 1999 Garfield-Palouse High School Vikings Basketball Team Head Coach, Tim Coles, Garfield-Palouse High School Principal, Skip Wilson, and Garfield-Palouse School District Superintendent, Tami Hickle.

There being no objection, House Resolution No. 2000-4798 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2000

Mr. Speaker:

The Senate receded from the State and Local Government Committee striking amendment(s) to SUBSTITUTE HOUSE BILL NO. 2392, adopted on March 1, 2000. Under Suspension of Rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted amendment #279, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that while government services are provided to the citizens of the state of Washington through many mechanisms, the most prevalent delivery of services occurs through city, county, or state government actions. Increased demand for these services and limited revenue to meet those services have led to unproductive competition between cities, counties, and the state for the revenue that is collected and shared between cities, counties, and the state.

Therefore, the legislature finds that there is a need to evaluate the delivery of government services, the allotment of revenues, and the collection and distribution of various fines and forfeitures through the establishment of a joint task force on local governments.

The legislature further finds that rules adopted by state agencies cause local governments to allocate funds to meet those rules that are not fully funded at the state level.

The legislature further finds that the state must recognize the costs to local governments of rules adopted by state agencies and mitigate the financial impacts of those rules for a significant period to allow local governments to develop strategies to comply with the requirements of Initiative Measure No. 695.

NEW SECTION. **Sec. 2.** (1) The joint task force on local governments is created, to consist of seventeen members including:

(a) The following four members of the house of representatives or their designees: (i) The chair and ranking minority member or the cochair of the committee on appropriations; and (ii) the chair and ranking minority member or the cochair of the committee on local government;

(b) The following four members of the senate or their designees: (i) The chair and the ranking minority member of the committee on ways and means; and (ii) the chair and ranking minority member of the committee on state and local government;

(c) One member from the office of the governor;

(d) Four members from the association of Washington cities;

(e) Two members from the Washington state association of counties; and

(f) Two members from the Washington association of county officials.

(2) The nonlegislative members of the task force shall serve without compensation, but will be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members of the task force will be reimbursed for travel expenses as provided in RCW 44.04.120. The staff of senate committee services and the office of program research of the house of representatives shall provide support to the task force.

(3) The task force must be cochaired by one senator, chosen by the task force, and one state representative, chosen by the task force, from opposite political parties. The cochair shall appoint

experts and advisors as nonvoting members of the task force to provide information on various subjects, including but not limited to special purpose districts and public employee unions. The task force shall establish rules of procedure at its first meeting.

NEW SECTION. **Sec. 3.** The joint task force on local governments shall:

(1) Complete a thorough study of the delivery of government services, allotment of revenues, and collection and distribution of various fines and forfeitures; and

(2) Commence the study by July 1, 2000, present an interim report of its findings and any recommendations to the legislature by January 30, 2001, and present a final report, including proposed legislation, addressing its recommendations to the legislature by January 1, 2002.

NEW SECTION. **Sec. 4.** This act expires March 30, 2002."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2392 and advanced the bill as amended by the Senate to final passage.

Representative Doumit spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2392 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2392 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 2392, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2000

Mr. Speaker:

The Senate receded from the Ways and Means Committee striking amendment(s) to SUBSTITUTE HOUSE BILL NO. 2491, adopted on March 2, 2000. Under Suspension of Rules, the Senate returned the bill to Second Reading for purpose of amendment(s). The Senate adopted amendment #281, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 10.73 RCW to read as follows:

(1) On or before December 31, 2002, a person in this state who has been sentenced to death or life imprisonment without possibility of release or parole and who has been denied postconviction DNA testing may submit a request to the county prosecutor in the county where the conviction was obtained for postconviction DNA testing, if DNA evidence was not admitted because the court ruled DNA testing did not meet acceptable scientific standards or DNA testing technology was not sufficiently developed to test the DNA evidence in the case. On and after January 1, 2003, a person must raise the DNA issues at trial or on appeal.

(2) The prosecutor shall screen the request. The request shall be reviewed based upon the likelihood that the DNA evidence would demonstrate innocence on a more probable than not basis. Upon determining that testing should occur and the evidence still exists, the prosecutor shall request DNA testing by the Washington state patrol crime laboratory. Contact with victims shall be handled through victim/witness divisions.

(3) A person denied a request made pursuant to subsections (1) and (2) of this section has a right to appeal his or her request within thirty days of denial of the request by the prosecutor. The appeal shall be to the attorney general's office. If the attorney general's office determines that it is likely that the DNA testing would demonstrate innocence on a more probable than not basis, then the attorney general's office shall request DNA testing by the Washington state patrol crime laboratory.

NEW SECTION. Sec. 2. By December 1, 2001, the office of public defense shall prepare a report detailing the following: (1) The number of postconviction DNA test requests approved by the respective prosecutor; (2) the number of postconviction DNA test requests denied by the respective prosecutor and a summary of the basis for the denials; (3) the number of appeals for postconviction DNA testing approved by the attorney general's office; (4) the number of appeals for postconviction DNA testing denied by the attorney general's office and a summary of the basis for the denials; and (5) a summary of the results of the postconviction DNA tests conducted pursuant to section 1 (2) and (3) of this act. The report shall also provide an estimate of the number of persons convicted of crimes where DNA evidence was not admitted because the court ruled DNA testing did not meet acceptable scientific standards or where DNA testing technology was not sufficiently developed to test the DNA evidence in the case.

Sec. 3. RCW 10.37.050 and 1891 c 28 s 29 are each amended to read as follows:

The indictment or information is sufficient if it can be understood therefrom--

(1) That it is entitled in a court having authority to receive ~~((it-))~~ it;

(2) That it was found by a grand jury or prosecuting attorney of the county in which the court was held;

(3) That the defendant is named, or if his name cannot be discovered, that he is described by a fictitious name or by reference to a unique genetic sequence of deoxyribonucleic acid, with the statement that his real name is ~~((to the jury))~~ unknown;

(4) That the crime was committed within the jurisdiction of the court, except where, as provided by law, the act, though done without the county in which the court is held, is triable therein;

(5) That the crime was committed at some time previous to the finding of the indictment or filing of the information, and within the time limited by law for the commencement of an action therefor;

(6) That the act or omission charged as the crime is clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended;

(7) The act or omission charged as the crime is stated with such a degree of certainty as to enable the court to pronounce judgment upon a conviction according to the right of the case.

NEW SECTION. Sec. 4. Nothing in this act is intended to create a legal right or cause of action. Nothing in this act is intended to deny or alter any existing legal right or cause of action. Nothing in this act should be interpreted to deny postconviction DNA testing requests under existing law by convicted and incarcerated persons who were sentenced to confinement for a term less than life or the death penalty."

On page 1, line 1 of the title, after "evidence;" strike the remainder of the title and insert "amending RCW 10.37.050; adding a new section to chapter 10.73 RCW; and creating new sections."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2491 and advanced the bill as amended by the Senate to final passage.

Representatives Schindler and O'Brien spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2491 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2491 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 2491, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2850 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that linen and uniform supply services have been incorrectly sited for tax purposes and as a result, some companies that perform laundry activities outside the state of Washington have not been required to collect retail sales taxes upon linen and uniform supply services provided to Washington customers. This error in tax treatment provides an incentive for businesses to locate their laundry functions out-of-state. In-state businesses cannot compete if out-of-state competitors are not required to collect sales tax.

The purpose of this act is to clarify the taxable situs of linen and uniform supply services.

Sec. 2. RCW 82.14.020 and 1997 c 201 s 1 are each amended to read as follows:

For purposes of this chapter and chapter 82.08 RCW:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer((;)).

(2) A retail sale consisting essentially of the performance of personal business or professional services shall be deemed to have occurred at the place at which such services were primarily performed, except that for the performance of a tow truck service, as defined in RCW 46.55.010, the retail sale shall be deemed to have occurred at the place of business of the operator of the tow truck service((;)).

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee((;)).

(4) A retail sale within the scope of ~~((the second paragraph of))~~ RCW 82.04.050(2), and a retail sale of taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed((;)).

(5) A retail sale consisting of the providing to a consumer of telephone service, as defined in RCW 82.04.065, other than a sale of tangible personal property under subsection (1) of this section or a rental of tangible personal property under subsection (3) of this section, shall be deemed to have occurred at the situs of the telephone or other instrument through which the telephone service is rendered((;)).

(6) A retail sale of linen and uniform supply services shall be deemed to have occurred at the place of delivery to the customer. "Linen and uniform supply service" means the activity of providing customers with a supply of clean linen, towels, uniforms, gowns, protective apparel, clean room apparel, mats, rugs, and similar items, whether ownership of the item is in the person operating the linen and uniform supply service or in the customer. The term includes supply services operating their own cleaning establishments as well as those contracting with other laundry or dry cleaning businesses.

(7) "City" means a city or town((;)).

~~((7))~~ (8) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this chapter((;)).

~~((8))~~ (9) "Taxable event" shall mean any retail sale, or any use of an article of tangible personal property, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended: PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended((;)).

~~((9))~~ (10) "Treasurer or other legal depository" shall mean the treasurer or legal depository of a county or city.

NEW SECTION. Sec. 3. This act takes effect July 1, 2000."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 82.14.020; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2850 and advanced the bill as amended by the Senate to final passage.

Representatives Reardon and Pennington spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2850 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2850 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Substitute House Bill No. 2850, as amended by the Senate, having received the constitutional majority, was declared passed.

Speaker Ballard called upon Representative Pennington to preside.

MESSAGES FROM THE SENATE

March 9, 2000

Mr. Speaker:

The Senate has concurred in the House amendment(s) and has passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 6194,

SECOND SUBSTITUTE SENATE BILL NO. 6255,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6277,

SUBSTITUTE SENATE BILL NO. 6621,

SUBSTITUTE SENATE BILL NO. 6781,

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6775,

and the same is herewith transmitted.

Tony M. Cook, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2000-4791, by Representatives Reardon, Clements, Lovick, DeBolt, Gombosky, Bush, Tokuda, Crouse, Sullivan, Cairnes, Lantz, Rockefeller, Veloria, Haigh, Kagi and Wood

WHEREAS, The Boys and Girls Club has been an integral part of building the character of youth and changing young lives since 1860; and

WHEREAS, There are two thousand five hundred Boys and Girls Clubs and three million youth members nationally; and

WHEREAS, There are fifteen Boys and Girls Club Organizations, and seventy-seven individual Boys and Girls Club locations; and fifty-two thousand youth members in Washington State; and

WHEREAS, Involvement with the Boys and Girls Club gives children advantages that last a lifetime; and

WHEREAS, In every community, boys and girls are left to find their own recreation and companionship in the streets and many do not have any adult care or supervision; and

WHEREAS, The Boys and Girls Club aims to let young people know that someone cares about them; and

WHEREAS, The Boys and Girls Clubs of America's national programs have taken members from the Clubhouse to the White House, from the games room to the corporate boardroom, and from the high school orchestra to Carnegie Hall; and

WHEREAS, The Boys and Girls Clubs of America have a lineup of nationally recognized programs that address today's most pressing youth issues, teaching young people the skills they need to succeed in life;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives applaud the effort and work of the fifteen Boys and Girls Club Organizations in Washington State and the positive programs they provide for our youth; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize April 9th through 15th as Boys and Girls Club Week, celebrating the theme "Come on Home"; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage all alumni to "Come on Home" to their club and help the future generations of kids in our state and nation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to the Honorable Gary Locke, Governor of Washington; the Governor's cabinet officers; all state-wide elected officials; the Boys and Girls Club of America Office; and to the Boys and Girls Clubs serving Washington State.

There being no objection, House Resolution No. 2000-4791 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

There being no objection, the House did not concur in the Senate Amendment(s) to Engrossed House Bill No. 2985 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2000

Mr. Speaker:

The Senate receded from the striking amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420, adopted as amended on March 2, 2000. Under Suspense of Rules, the bill was returned to Second Reading for purpose of amendment(s). The Senate adopted amendment(s) #284, and passed the bill as amended,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The intent of this act is to protect the health and safety of the citizens of the state of Washington and the quality of the state's environment by developing and implementing environmental and public safety measures applicable to persons transporting hazardous liquids and gas by pipeline within the state of Washington. The legislature finds that public safety and the environment may best be protected by adopting standards that are equal to, or more stringent than, those adopted by the federal government, so long as they do not impermissibly interfere with interstate commerce.

(2) The legislature recognizes that additional federal authority is needed to implement a comprehensive pipeline safety program and by this act and other measures directs the state to seek that authority.

(3) It is also the intent of the legislature that the governor work with the state congressional delegation in seeking:

(a) To amend the federal pipeline safety act to delegate authority to qualified states to adopt and enforce standards equal to or more stringent than federal standards;

(b) State authority to administer and enforce federal requirements related to pipeline safety; and

(c) Higher levels of funding for state and federal pipeline safety activities and for states to respond to pipeline accident emergencies.

(4) While the legislature acknowledges that serious accidents have occurred for hazardous liquid and gas pipelines in this nation and elsewhere, it recognizes that there are fundamental differences between hazardous liquid pipelines and gas pipelines and that a different system of safety regulations must be applied for each kind of pipeline.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Department" means the department of ecology.

(3) "Failsafe" means a design feature that will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or control device.

(4) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(5) "Gas pipeline" means all parts of a pipeline facility through which gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Gas pipeline" does not include process or transfer pipelines.

(6) "Gas pipeline company" means a person or entity constructing, owning, or operating a gas pipeline for transporting gas. A "gas pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a gas pipeline company.

(7) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide.

(8) "Local government" means a political subdivision of the state or a city or town.

(9) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any political subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(10) "Pipeline," "pipeline system," or "hazardous liquid pipeline" means all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines.

(11) "Pipeline company" or "hazardous liquid pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid. A "pipeline company" does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

(12) "Reportable release" means a spilling, leaking, pouring, emitting, discharging, or any other uncontrolled escape of a hazardous liquid in excess of one barrel, or forty-two gallons.

(13) "Safety management systems" means management systems that include coordinated and interdisciplinary evaluations of the effect of significant changes to a pipeline system before such changes are implemented.

(14) "Transfer pipeline" means a buried or aboveground pipeline used to carry oil between a tank vessel or transmission pipeline and the first valve inside secondary containment at the facility provided that any discharge on the facility side of that first valve will not directly impact waters of the state. A transfer pipeline includes valves, and other appurtenances connected to the pipeline, pumping units, and fabricated assemblies associated with pumping units. A transfer pipeline does not include process pipelines, pipelines carrying ballast or bilge water, transmission pipelines, or tank vessel or storage tanks.

(15) "Transmission pipeline" means a gas pipeline that transports gas within a storage field, or transports gas from an interstate pipeline or storage facility to a distribution main or a large volume gas user, or operates at a hoop stress of twenty percent or more of the specified minimum yield strength.

Sec. 3. RCW 81.88.040 and 1998 c 123 s 1 are each amended to read as follows:

~~(1) ((The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Pipeline company" means a person or entity constructing, owning, or operating an intrastate pipeline for transporting hazardous liquid, whether or not such a person or entity is a public service company otherwise regulated by the commission. For the purposes of this section, a pipeline company does not include: (i) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (ii) excavation contractors or other contractors that contract with a pipeline company.~~

~~(b) "Hazardous liquid" means: (i) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (ii) carbon dioxide. The commission by rule may incorporate by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).~~

~~(2) The commission shall adopt by rule intrastate pipeline safety standards for pipeline transportation and pipeline facilities that: (a) Apply to pipeline companies transporting hazardous liquids; (b) cover the design, construction, and operation of pipelines transporting hazardous liquids; and (c) require pipeline companies to design, construct, and maintain their pipeline facilities so they are safe and efficient.~~

~~(3)) A person, officer, agent, or employee of a pipeline company who, as an individual or acting as an officer, agent, or employee of such a company, violates or fails to comply with this ((section)) chapter or a rule adopted under this section, or who procures, aids, or abets another person~~

or entity in the violation of or noncompliance with this section or a rule adopted under this section, is guilty of a gross misdemeanor.

~~((4))~~ (2)(a) A pipeline company, or any person, officer, agent, or employee of a pipeline company that violates a provision of this section, or a rule adopted under this section, is subject to a civil penalty to be assessed by the commission.

(b) The commission shall adopt rules: (i) Setting penalty amounts, but may not exceed the penalties specified in the federal pipeline safety laws, 49 U.S.C. Sec. 60101 et seq.; and (ii) establishing procedures for mitigating penalties assessed ~~((; and (iii) incorporating by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4))~~.

(c) In determining the amount of the penalty, the commission shall consider: (i) The appropriateness of the penalty in relation to the position of the person charged with the violation; (ii) the gravity of the violation; and (iii) the good faith of the person or company charged in attempting to achieve compliance after notification of the violation.

(d) The amount of the penalty may be recovered in a civil action in the superior court of Thurston county or of some other county in which the violator may do business. In all actions for recovery, the rules of evidence shall be the same as in ordinary civil actions. All penalties recovered under this section must be paid into the state treasury and credited to the ~~((public service revolving fund))~~ hazardous liquid pipeline safety account.

(3) The commission shall adopt rules incorporating by reference other substances designated as hazardous by the secretary of transportation under 49 U.S.C. Sec. 60101(a)(4).

~~((5))~~ (4) The commission shall also have the power of injunctive relief, as required by 49 U.S.C. Sec. 60105(b), to enforce the provisions of this chapter.

(5) Nothing in this section duplicates the authority of the energy facility site evaluation council under chapter 80.50 RCW.

NEW SECTION. Sec. 4. (1) The hazardous liquid pipeline safety account is created in the custody of the state treasurer. All receipts from the federal office of pipeline safety and any other state or federal funds provided for hazardous liquid pipeline safety must be deposited in the account, except as provided in subsection (2) of this section. Any fines collected under this chapter, or otherwise designated to this account must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for funding pipeline safety.

(2) Federal funds received before June 30, 2001, shall be treated as receipt of unanticipated funds and expended, without appropriation, for the designated purposes.

NEW SECTION. Sec. 5. (1) A comprehensive program of hazardous liquid pipeline safety is authorized by sections 2, 4, 5, 9, 11, 13, and 20 of this act, and RCW 81.88.040 to be developed and implemented consistent with federal law. Except as provided in subsection (6) of this section, the commission shall administer and enforce all laws related to hazardous liquid pipeline safety.

(2) The commission shall adopt rules for pipeline safety standards for hazardous liquid pipeline transportation that:

(a) Require pipeline companies to design, construct, operate, and maintain their pipeline facilities so they are safe and efficient;

(b) Require pipeline companies to rapidly locate and isolate all reportable releases from pipelines, that may include:

(i) Installation of remote control shut-off valves; and

(ii) Installation of remotely monitored pressure gauges and meters;

(c) Require the training and certification of personnel who operate pipelines and the associated systems;

(d) Require reporting of emergency situations, including emergency shutdowns and material defects or physical damage that impair the serviceability of a pipeline; and

(e) Require pipeline companies to submit operations safety plans to the commission once every five years, as well as any amendments to the plan made necessary by changes to the pipeline system or its operation. The safety plan shall include emergency response procedures.

(3) The commission shall approve operations safety plans if they have been deemed fit for service. A plan shall be deemed fit for service when it provides for pipelines that are designed, developed, constructed, operated, and periodically modified to provide for protection of public safety and the environment. Pipeline operations safety plans shall, at a minimum, include:

(a) A schedule of inspection and testing within the pipeline distribution system of:

(i) All mechanical components;

(ii) All electronic components; and

(iii) The structural integrity of all pipelines as determined through pressure testing, internal inspection tool surveys, or another appropriate technique;

(b) Failsafe systems;

(c) Safety management systems; and

(d) Emergency management training for pipeline operators.

(4) The commission shall coordinate information related to pipeline safety by providing technical assistance to local planning and siting authorities.

(5) The commission shall evaluate, and consider adopting, proposals developed by the federal office of pipeline safety, the national transportation safety board, and other agencies and organizations related to methods and technologies for testing the integrity of pipeline structure, leak detection, and other elements of pipeline operation.

(6) The authorities of sections 2, 4, 5, 9, 11, 13, and 20 of this act, and RCW 81.88.040 relating to hazardous liquid pipeline safety shall be transferred from the commission to the department pursuant to section 13 of this act upon the occurrence of either:

(a) Amendments to federal pipeline safety laws to eliminate preemption of state authority to regulate safety requirements for such pipelines; or

(b) The granting of federal authority to the state to enforce or adopt any safety requirements for interstate hazardous liquid pipelines.

NEW SECTION. Sec. 6. (1) The commission shall develop, in consultation with representatives of hazardous liquid pipeline companies, gas pipeline companies, local governments, and the excavation and construction industries: (a) A curricula aimed at the prevention of third-party excavation damage to hazardous liquid pipelines and gas pipelines; and (b) a plan for distribution of the curricula.

(2) The curricula shall include training on:

(a) Prevention of damage to hazardous liquid and gas pipelines;

(b) The danger involved if a hazardous liquid or gas pipeline is damaged;

(c) The significance of hazardous liquid or gas pipeline damage that does not cause immediate failure; and

(d) The importance of immediately reporting damage to a hazardous liquid or gas pipeline and the importance of immediately repairing a damaged hazardous liquid or gas pipeline.

NEW SECTION. Sec. 7. (1) The commission shall require hazardous liquid pipeline companies, and gas pipeline companies with interstate pipelines, gas transmission pipelines, or gas pipelines operating over two hundred fifty pounds per square inch gauge, to provide accurate maps of their pipeline to specifications developed by the commission sufficient to meet the needs of first responders including installation depth information when known.

(2) The commission shall evaluate the sufficiency of the maps and consolidate the maps into a state-wide geographic information system. The commission shall assist local governments in obtaining hazardous liquid and gas pipeline location information and maps. The maps shall be made available to the one-number locator services as provided in chapter 19.122 RCW. The mapping system shall be consistent with the United States department of transportation national pipeline mapping program.

(3) The mapping system shall be completed by January 1, 2006, and periodically updated thereafter. The commission shall develop a plan for funding the geographic information system and report its recommendations to the legislature by December 15, 2000.

NEW SECTION. Sec. 8. A new section is added to chapter 43.110 RCW to read as follows:

The municipal research council shall, by June 30, 2001, develop and periodically update, for the consideration by local governments:

- (1) A model ordinance that establishes setback and depth requirements for new hazardous liquid and gas pipeline construction; and
- (2) A model franchise agreement for jurisdictions through which a hazardous liquid or gas pipeline is located.

NEW SECTION. Sec. 9. (1) The commission and the department shall apply for federal delegation for the state's program for the purposes of enforcement of federal hazardous liquid pipeline safety requirements. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the department, at a minimum, shall do the following:

- (a) Inspect hazardous liquid pipelines periodically as specified in the inspection program;
- (b) Collect fees;
- (c) Order and oversee the testing of hazardous liquid pipelines as authorized by federal law and regulation; and
- (d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission and the department shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate hazardous liquid pipelines.

(3) Upon delegation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the department shall adopt rules for interstate pipelines that are no less stringent than the state's laws and rules for intrastate hazardous liquid pipelines.

NEW SECTION. Sec. 10. A new section is added to chapter 80.28 RCW to read as follows:

(1) The commission shall seek and accept federal delegation for the commission's inspectors as federal agents for the purposes of enforcement of federal laws covering gas pipeline safety and the associated federal rules, as they exist on the effective date of this section. The commission shall establish and submit to the United States secretary of transportation an inspection program that complies with requirements for delegated interstate agent inspection authority. If the secretary of transportation delegates inspection authority to the state as provided in this subsection, the commission, at a minimum, shall do the following:

- (a) Inspect gas pipelines periodically as specified in the inspection program;
 - (b) Collect fees;
 - (c) Order and oversee the testing of gas pipelines as authorized by federal law and regulation;
- and
- (d) File reports with the United States secretary of transportation as required to maintain the delegated authority.

(2) The commission shall also seek federal authority to adopt safety standards related to the monitoring and testing of interstate gas pipelines.

(3) Upon designation under subsection (1) of this section or under a grant of authority under subsection (2) of this section, to the extent authorized by federal law, the commission shall adopt rules for interstate gas pipelines that are no less stringent than the state's laws and rules for intrastate gas pipelines.

NEW SECTION. Sec. 11. The commission may inspect any record, map, or written procedure required by federal law to be kept by a hazardous liquid pipeline company concerning the reportable releases, and the design, construction, testing, or operation and maintenance of hazardous liquid pipelines.

NEW SECTION. Sec. 12. A new section is added to chapter 80.28 RCW to read as follows:

The commission may inspect any record, map, or written procedure required by federal law to be kept by a gas pipeline company concerning the reporting of gas releases, and the design, construction, testing, or operation and maintenance of gas pipelines.

NEW SECTION. Sec. 13. (1) All powers, duties, and functions of the utilities and transportation commission pertaining to hazardous liquid pipeline safety, except economic regulatory authority under chapters 81.88, 80.24, and 81.24 RCW, are transferred to the department of ecology effective upon the department's receipt of any delegated federal authority over interstate hazardous liquid pipelines, or upon such earlier date as the office of financial management may determine in the event that federal law is amended to remove all or part of the federal preemption of state regulation of hazardous liquid pipelines. The timing of the transfer shall be facilitated by a memorandum of agreement between the two agencies, with any disputes resolved by the office of financial management. All references to the commission or the utilities and transportation commission in the Revised Code of Washington shall be construed to mean the director or the department of ecology when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the department of ecology. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of ecology.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall be transferred and credited to the department of ecology under the agreement authorized in subsection (1) of this section.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of ecology. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of ecology. All existing contracts and obligations shall remain in full force and shall be performed by the department of ecology.

(5) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 14. (1) The citizens committee on pipeline safety is established to advise the state agencies and other appropriate federal and local government agencies and officials on matters relating to hazardous liquid and gas pipeline safety, routing, construction, operation, and maintenance. The committee shall have thirteen total members who shall be appointed by the governor to staggered three-year terms and shall consist of: (a) Nine members representing local government, including elected officials and the public; and (b) four nonvoting members, representing owners and

operators of hazardous liquid and gas pipelines. The committee shall review and comment on proposed rules and the operation of the state pipeline safety programs.

(2) The committee may create one or more technical advisory committees comprised of gas and hazardous liquid pipeline owners or operators, agency representatives, natural resource and environmental interests, or other interested parties.

(3) The committee established in subsection (1) of this section constitutes a class one group under RCW 43.03.220. Expenses for this group, as well as staff support, shall be provided by the utilities and transportation commission and, if additional pipeline authority is transferred to it, the department of ecology.

Sec. 15. RCW 19.122.020 and 1984 c 144 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Damage" includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected utility owner determines that repairs are required.

(3) "Emergency" means any condition constituting a clear and present danger to life or property, or a customer service outage.

(4) "Excavation" means any operation in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means, except the tilling of soil less than twelve inches in depth for agricultural purposes, or road and ditch maintenance that does not change the original road grade or ditch flowline.

(5) "Excavator" means any person who engages directly in excavation.

(6) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(7) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 as in effect on March 1, 1998; and (b) carbon dioxide. The utilities and transportation commission may by rule incorporate by reference other substances designated as hazardous by the secretary of transportation.

(8) "Identified facility" means any underground facility which is indicated in the project plans as being located within the area of proposed excavation.

~~((7))~~ (9) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.

~~((8))~~ (10) "Locatable underground facility" means an underground facility which can be field-marked with reasonable accuracy.

~~((9))~~ (11) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

~~((10))~~ (12) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

~~((11))~~ (13) "Pipeline" or "pipeline system" means all or parts of a pipeline facility through which hazardous liquid or gas moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. "Pipeline" or "pipeline system" does not include process or transfer pipelines as defined in section 2 of this act.

(14) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or gas. A pipeline company does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.

(15) "Reasonable accuracy" means location within twenty-four inches of the outside dimensions of both sides of an underground facility.

~~((12))~~ (16) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground. This definition does not include pipelines as defined in subsection (13) of this section, but does include distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail.

~~((13))~~ (17) "One-number locator service" means a service through which a person can notify utilities and request field-marking of underground facilities.

NEW SECTION. **Sec. 16.** A new section is added to chapter 19.122 RCW to read as follows:

(1) By December 31, 2000, the utilities and transportation commission shall cause to be established a single state-wide toll-free telephone number to be used for referring excavators to the appropriate one-number locator service.

(2) The utilities and transportation commission, in consultation with the Washington utilities coordinating council, shall establish minimum standards and best management practices for one-number locator services consistent with the recommendations of the governor's fuel accident prevention and response team issued in December 1999. By December 31, 2000, the commission shall provide its recommendations to the appropriate standing committees of the house of representatives and the senate.

(3) One-number locator services shall be operated by nongovernmental agencies.

Sec. 17. RCW 19.122.030 and 1988 c 99 s 1 are each amended to read as follows:

(1) Before commencing any excavation, excluding agriculture tilling less than twelve inches in depth, the excavator shall provide notice of the scheduled commencement of excavation to all owners of underground facilities through a one-number locator service.

(2) All owners of underground facilities within a one-number locator service area shall subscribe to the service. One-number locator service rates for cable television companies will be based on the amount of their underground facilities. If no one-number locator service is available, notice shall be provided individually to those owners of underground facilities known to or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated to the owners of underground facilities not less than two business days or more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the parties.

(3) Upon receipt of the notice provided for in this section, the owner of the underground facility shall provide the excavator with reasonably accurate information as to its locatable underground facilities by surface-marking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities shall provide the excavator with the best available information as to their locations. The owner of the underground facility providing the information shall respond no later than two business days after the receipt of the notice or before the excavation time, at the option of the owner, unless otherwise agreed by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, the excavator is responsible for maintaining the markings. Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this section.

(4) The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two business days prior to the excavation from the excavator.

(5) An owner of underground facilities is not required to indicate the presence of existing service laterals or appurtenances if the presence of existing service laterals or appurtenances on the site

of the construction project can be determined from the presence of other visible facilities, such as buildings, manholes, or meter and junction boxes on or adjacent to the construction site.

(6) Emergency excavations are exempt from the time requirements for notification provided in this section.

(7) If the excavator, while performing the contract, discovers underground facilities which are not identified, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number locator service.

NEW SECTION. Sec. 18. A new section is added to chapter 19.122 RCW to read as follows:

(1) Before commencing any excavation, excluding agricultural tilling less than twelve inches in depth, an excavator shall notify pipeline companies of the scheduled commencement of excavation through

a one-number locator service in the same manner as is required for notifying owners of underground facilities of excavation work under RCW 19.122.030. Pipeline companies shall have the same rights and responsibilities as owners of underground facilities under RCW 19.122.030 regarding excavation work. Excavators have the same rights and responsibilities under this section as they have under RCW 19.122.030.

(2) Project owners, excavators, and pipeline companies have the same rights and responsibilities relating to excavation near pipelines that they have for excavation near underground facilities as provided in RCW 19.122.040.

NEW SECTION. Sec. 19. A new section is added to chapter 19.122 RCW to read as follows:

(1) After a pipeline company has been notified by an excavator pursuant to section 18 of this act that excavation work will uncover any portion of the pipeline, the pipeline company shall ensure that the pipeline section in the vicinity of the excavation is examined for damage prior to being reburied.

(2) Immediately upon receiving information of third-party damage to a hazardous liquid pipeline, the company that operates the pipeline shall terminate the flow of hazardous liquid in that pipeline until it has visually inspected the pipeline. After visual inspection, the operator of the hazardous liquid pipeline shall determine whether the damaged pipeline section should be replaced or repaired, or whether it is safe to resume pipeline operation. Immediately upon receiving information of third-party damage to a gas pipeline, the company that operates the pipeline shall conduct a visual inspection of the pipeline to determine whether the flow of gas through that pipeline should be terminated, and whether the damaged pipeline should be replaced or repaired. A record of the pipeline company's inspection report and test results shall be provided to the utilities and transportation commission consistent with reporting requirements under 49 C.F.R. 195 Subpart B.

(3) Pipeline companies shall immediately notify local first responders and the department of any reportable release of a hazardous liquid from a pipeline. Pipeline companies shall immediately notify local first responders and the commission of any blowing gas leak from a gas pipeline that has ignited or represents a probable hazard to persons or property. Pipeline companies shall take all appropriate steps to ensure the public safety in the event of a release of hazardous liquid or gas under this subsection.

(4) No damaged pipeline may be buried until it is repaired or relocated. The pipeline company shall arrange for repairs or relocation of a damaged pipeline as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

NEW SECTION. Sec. 20. A new section is added to chapter 48.48 RCW to read as follows:

(1) The chief of the Washington state patrol, through the director of fire protection or his or her authorized deputy, shall, in consultation with the emergency management program within the state military department, the department of ecology, the utilities and transportation commission, and local emergency services organizations:

(a) Evaluate the preparedness of local first responders in meeting emergency management demands under subsection (2) of this section; and

(b) Conduct an assessment of the equipment and personnel needed by local first responders to meet emergency management demands related to pipelines.

(2) The chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall develop curricula for training local first responders to deal with hazardous liquid and gas pipeline accidents. The curricula shall be developed in conjunction with pipeline companies and local first responders, and shall include a timetable and costs for providing training as defined in the curricula to all communities housing pipelines. Separate curricula shall be developed for hazardous liquid and gas pipelines so that the differences between pipelines may be recognized and appropriate accident responses provided. The need for a training program for regional incident management teams shall also be evaluated.

(3) In consultation with other relevant agencies, the chief of the Washington state patrol, through the director of fire protection or his or her deputy, shall identify the need and means for achieving consistent application of the national interagency incident management system.

(4) For the purposes of this section, "local first responders" means police, fire, emergency medical staff, and volunteers.

NEW SECTION. Sec. 21. A pipeline company that has been notified by an excavator that excavation work will occur near a hazardous liquid pipeline shall ensure that the pipeline company's representative consults with the excavator on-site prior to the excavation. The pipeline company has the discretion to require that the pipeline section in the vicinity of the excavation is fully uncovered and examined for damage prior to being reburied.

NEW SECTION. Sec. 22. A new section is added to chapter 80.28 RCW to read as follows:
A gas pipeline company that has been notified by an excavator that excavation work will occur near a gas transmission pipeline shall ensure that the pipeline company's representative consults with the excavator on-site prior to the excavation. The gas pipeline company has the discretion to require that the pipeline section in the vicinity of the excavation is fully uncovered and examined for damage prior to being reburied.

NEW SECTION. Sec. 23. A new section is added to chapter 19.122 RCW to read as follows:

Any person who willfully damages or removes a permanent marking used to identify an underground facility or pipeline, or a temporary marking prior to its intended use, is subject to a civil penalty of not more than one thousand dollars for each act.

NEW SECTION. Sec. 24. A new section is added to chapter 19.122 RCW to read as follows:

(1) Any person who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than ten thousand dollars for each violation.

(2) All civil penalties recovered under this section relating to hazardous liquid pipelines shall be deposited into the hazardous liquid pipeline safety account created in section 4 of this act. All civil penalties recovered under this section relating to gas pipelines shall be deposited in the general fund and expended for the purpose of enforcement of gas pipeline safety laws.

NEW SECTION. Sec. 25. A pipeline containing petroleum or petroleum products that is wholly owned by an individual and which pipeline is located wholly on the individual's property, that is not adjoining marine waters, is exempt from the provisions of this chapter. This exemption applies only for pipelines that do not have any connections to pipelines or facilities that extend beyond the pipeline owner's property and the petroleum or petroleum products must be for use only at that location.

NEW SECTION. **Sec. 26.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 27.** This act may be known and cited as the Washington state pipeline safety act.

NEW SECTION. **Sec. 28.** Sections 1, 2, 4 through 7, 9, 11, 13, 14, 21, and 25 through 27 of this act are each added to chapter 81.88 RCW.

NEW SECTION. **Sec. 29.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 81.88.040, 19.122.020, and 19.122.030; adding new sections to chapter 81.88 RCW; adding a new section to chapter 43.110 RCW; adding new sections to chapter 80.28 RCW; adding new sections to chapter 19.122 RCW; adding a new section to chapter 48.48 RCW; prescribing penalties; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 2420 and advanced the bill as amended by the Senate to final passage.

Representatives Linville and G. Chandler spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2420 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2420 as amended by the Senate and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Second Substitute House Bill No. 2420, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended, the Committee on Financial Institutions & Insurance was relieved of House Bill No. 3068, and the bill was placed on Second Reading.

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

SECOND READING

HOUSE BILL NO. 3068, by Representatives Kessler, Hankins, Delvin, Mastin, Grant, Linville and G. Chandler

Exempting privatization contracts for the treatment of radioactive waste and hazardous substances from property taxes.

The bill was read the second time.

Representative Hankins moved the adoption of the following amendment (688):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 84.36 RCW to read as follows:

(1)(a) Beginning with taxes levied for collection in calendar year 2006, all personal property located on land owned by the United States, or an instrumentality of the United States, at the Hanford reservation that is used exclusively in the performance of a privatization contract to pretreat, treat, vitrify, and immobilize tank waste under subsection (2) of this section is exempt from taxation.

(b) Beginning with taxes levied for collection in calendar year 2002, and until the application of (a) of this subsection, all personal property located on land owned by the United States, or an instrumentality of the United States, at the Hanford reservation that is used exclusively in the performance of a privatization contract to pretreat, treat, vitrify, and immobilize tank waste under subsection (3) of this section is exempt from taxes levied by the state.

(2) To qualify for the exemption provided in subsection (1)(a) of this section, the personal property must be owned by a person that has a privatization contract to pretreat, treat, vitrify, and immobilize tank waste located at the Hanford reservation. For the purposes of this section, a privatization contract means a contract in which the United States, or an instrumentality of the United States, has designated the other contracting party as a party responsible for carrying out tank waste clean-up operations at the Hanford reservation.

(3) To qualify for the exemption provided in subsection (1)(b) of this section, the personal property must be owned by a person that has, and complies with, a privatization contract to pretreat, treat, vitrify, and immobilize tank waste located at the Hanford reservation. The personal property must be acquired or constructed, and operated, in compliance with the tank waste treatment complex requirements of the Hanford federal facility agreement and consent order, including schedules for tank waste treatment complex start of construction, initiation of hot commissioning, and schedules for tank waste pretreatment processing and vitrification. The privatization contractor shall submit annually, on or before August 1st, a progress report to the Washington state department of ecology documenting compliance with the requirements of the agreement and consent order and the terms of the privatization contract. The department of ecology shall annually issue, on or before October 1st, a determination to the department of revenue indicating whether the privatization contractor is in compliance with the requirements of the agreement and consent order.

(4) An inadvertent use of property, which otherwise qualifies for an exemption under this section, in a manner inconsistent with the purpose for which the exemption is granted, does not nullify the exemption if the inadvertent use is not part of a pattern of use. A pattern of use is presumed when

an inadvertent use is repeated in the same assessment year or in two or more successive assessment years.

NEW SECTION. **Sec. 2.** This act takes effect January 1, 2001."

Correct the title.

Representatives Hankins and Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler and Hankins spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed House Bill No. 3068.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3068, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed House Bill No. 3068, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended, Second Substitute Senate Bill No. 5802 was read the first time in full and placed on Second Reading.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5802, by Senate Committee on Ways & Means (originally sponsored by Senators Fairley, Hochstatter, Honeyford, Spanel and Franklin)

Regulating telecommunications contractors and installations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Chandler and Wood spoke in favor of passage of the bill.

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5802.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5802 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Second Substitute Senate Bill No. 5802, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended, the Rules Committee was relieved of Engrossed Senate Bill No. 6561, and the bill was placed on Second Reading.

SECOND READING

ENGROSSED SENATE BILL NO. 6561, by Senators Rossi, Patterson, Horn, Loveland, Heavey, Deccio, Rasmussen, Winsley, T. Sheldon and Haugen

Designating the Washington national guard as a law enforcement agency for the purposes of federal drug asset forfeiture laws.

The bill was read the second time.

There being no objection, the House deferred action on Engrossed Senate Bill No. 6561.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2000

Mr. Speaker:

The Senate has passed Substitute House Bill No. 2460 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) There are geographic areas within communities that are characterized by a lack of employment opportunities, an average income level that is below the median income level for the surrounding community, a lack of affordable housing, deteriorating infrastructure, and a lack of facilities for community services, job training, and education;

(b) Strategies to encourage reinvestment in these areas by assisting local businesses to become stronger and area residents to gain economic power involve a variety of activities and partnerships;

(c) Reinvestment in these areas cannot be accomplished with only governmental resources and require a comprehensive approach that integrates various incentives, programs, and initiatives to meet the economic, physical, and social needs of the area;

(d) Successful reinvestment depends on a local government's ability to coordinate public resources in a cohesive, comprehensive strategy that is designed to leverage long-term private investment in an area;

(e) Reinvestment can strengthen the overall tax base through increased tax revenue from expanded and new business activities and physical property improvement;

(f) Local governments, in cooperation with area residents, can provide leadership as well as planning and coordination of resources and necessary supportive services to address reinvestment in the area; and

(g) It is in the public interest to adopt a targeted approach to revitalization and enlist the resources of all levels of government, the private sector, community-based organizations, and community residents to revitalize an area.

(2) The legislature declares that the purposes of the community empowerment zone act are to:

(a) Encourage reinvestment through strong partnerships and cooperation between all levels of government, community-based organizations, area residents, and the private sector;

(b) Involve the private sector and stimulate private reinvestment through the judicious use of public resources;

(c) Target governmental resources to those areas of greatest need; and

(d) Include all levels of government, community individuals, organizations, and the private sector in the policy-making process.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Area" means a geographic area within a local government that is described by a close perimeter boundary.

(2) "Community empowerment zone" means an area meeting the requirements of RCW 43.63A.700 (as recodified by this act) and officially designated by the director.

(3) "Department" means the department of community, trade, and economic development.

(4) "Director" means the director of the department of community, trade, and economic development.

(5) "Local government" means a city, code city, town, or county.

Sec. 3. RCW 43.63A.700 and 1994 sp.s. c 7 s 702 are each amended to read as follows:

(1) The department, in cooperation with the department of revenue, the employment security department, and the office of financial management, ~~((shall))~~ may approve applications submitted by local governments for an area's designation as a community empowerment zone under this ~~((section))~~ chapter. The application for designation shall be in the form and manner and contain such information as the department may prescribe, provided that the application ~~((for designation))~~ shall:

(a) Contain information sufficient for the director to determine if the criteria established in RCW 43.63A.710 (as recodified by this act) have been met~~((-))~~;

(b) Be submitted on behalf of the local government by its chief elected official, or, if none, by the governing body of the local government~~((-))~~;

(c) Contain a five-year community empowerment plan that ~~((describes the proposed designated community empowerment zone's community development needs and present a strategy for meeting those needs. The plan shall address the following categories: Housing needs; public infrastructure needs, such as transportation, water, sanitation, energy, and drainage/flood control; other public facilities needs, such as neighborhood facilities or facilities for provision of health, education, recreation, public safety, or other services; community economic development needs, such as commercial/industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, or other related components of community economic development; and social service needs.~~

~~The local government is required to provide a description of its strategy for meeting the needs identified in this subsection (1)(c). As part of the strategy, the local government is required to identify the needs for which specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two year period and actions the local government will take to acquire those funds.)~~ meets the requirements of section 5 of this act; and

(d) Certify that ~~((neighborhood))~~ area residents were given the opportunity to participate in the development of the five-year community empowerment strategy required under ~~((e) of this subsection))~~ section 5 of this act.

(2) No local government shall submit more than two ~~((neighborhoods))~~ areas to the department for possible designation as a ~~((designated))~~ community empowerment zone under this ~~((section))~~ chapter.

(3)(a) ~~((Within ninety days after January 1, 1994,))~~ The director may designate up to six ~~((designated))~~ community empowerment zones, state-wide, from among the applications ~~((eligible))~~ submitted for designation as a ~~((designated))~~ community empowerment zone.

(b) The director shall make determinations of designated community empowerment zones on the basis of the following factors:

(i) The strength and quality of the local government commitments to meet the needs identified in the five-year community empowerment plan required under ~~((this))~~ section 5 of this act.

(ii) The level of private ~~((commitments by private entities))~~ sector commitment of additional resources and contribution to the ~~((designated))~~ community empowerment zone.

(iii) The potential for revitalization of the area as a result of designation as a ~~((designated))~~ community empowerment zone.

(iv) Other factors the director deems necessary.

(c) The determination of the director as to the areas designated as community empowerment zones shall be final.

(4) Except as provided in section 6 of this act, an area that was designated a community empowerment zone before January 1, 1996, under this section, automatically and without additional action by the local government continues its designation under this chapter.

(5) The department may not designate additional community empowerment zones after January 1, 2004, but may amend or rescind designation of community empowerment zones in accordance with section 6 of this act.

Sec. 4. RCW 43.63A.710 and 1994 sp.s. c 7 s 703 are each amended to read as follows:

(1) The director may not designate an area as a ~~((designated))~~ community empowerment zone unless that area meets the following requirements:

(a) The area must be designated by the legislative authority of the local government as an area to receive federal, state, and local assistance designed to increase economic, physical, or social activity in the area;

(b) The area must have at least fifty-one percent of the households in the area with incomes at or below eighty percent of the county's median income, adjusted for household size;

(c) The average unemployment rate for the area, for the most recent twelve-month period for which data is available must be at least one hundred twenty percent of the average unemployment rate of the county; and

(d) A five-year community empowerment plan for the area that meets the requirements of ~~((RCW 43.63A.700(1)(c) and as further defined by the director))~~ section 5 of this act must be adopted.

(2) The director may establish, by rule, such other requirements as the director may reasonably determine necessary and appropriate to assure that the purposes of this ~~((section))~~ chapter are satisfied.

(3) In determining if an area meets the requirements of this section, the director may consider data provided by the United States bureau of the census from the most recent census or any other reliable data that the director determines to be acceptable for the purposes for which the data is used.

NEW SECTION. **Sec. 5.** (1) The five-year community empowerment plan required under RCW 43.63A.700 (as recodified by this act) shall contain information that describes the community

development needs of the proposed community empowerment zone and present a strategy for meeting those needs. The plan shall address the following categories:

- (a) Housing needs for all economic segments of the proposed community empowerment zone;
- (b) Public infrastructure needs, such as transportation, water, sanitation, energy, and drainage and flood control;
- (c) Other public facilities needs, such as neighborhood facilities or facilities for the provision of health, education, recreation, public safety, and other services;
- (d) Community economic development needs, such as commercial and industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, and other related components of community economic development; and
- (e) Social service needs of residents in the proposed community empowerment zone.

(2) The local government must provide a description of its strategy for meeting the needs identified in subsection (1) of this section. As part of the community empowerment zone strategy, the local government must identify the needs for which specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two-year period and actions the local government will take to acquire those funds.

(3) The local government must submit an annual progress report to the department that details the extent to which the local government is working to meet the needs identified in the five-year community empowerment plan. If applicable, the progress report must also contain a discussion on the impediments to meeting the needs outlined in the five-year community empowerment plan. The department must determine the date the annual progress reports are due from each local government.

NEW SECTION. Sec. 6. (1) The terms or conditions of a community empowerment zone approved under this chapter may be amended to:

- (a) Alter the boundaries of the community empowerment zone; or
- (b) Terminate the designation of a community empowerment zone.

(2)(a) A request for an amendment under subsection (1)(a) of this section may not be in effect until the department issues an amended designation for the community empowerment zone that approves the requested amendment. The local government must promptly file with the department a request for approval that contains information the department deems necessary to evaluate the proposed changes and its impact on the area's designation as a community empowerment zone under RCW 43.63A.710 (as recodified by this act). The local government must hold at least two public hearings on the proposed changes and include the information in its request for an amendment to its community empowerment zone.

(b) The department shall approve or disapprove a proposed amendment to a community empowerment zone within sixty days of its receipt of a request under subsection (1)(a) of this section. The department may not approve changes to a community empowerment zone that are not in conformity with this chapter.

(3)(a) The termination of an area's designation as a community empowerment zone under subsection (1)(b) of this section is not effective until the department issues a finding stating the reasons for the termination, which may include lack of commitment of resources to activities in the community empowerment zone by the public, private, and community-based sectors. The local government may file an appeal to the department's findings within sixty days of the notice to terminate the area's designation. The department must notify the local government of the results within thirty days of the filing of the appeal.

(b) A termination of an area's designation as a community empowerment zone has no effect on benefits previously extended to individual businesses. The local government may not commit benefits to a business after the effective date of the termination of an area's designation as a community empowerment zone.

(4) The department may request applications from local governments for designation as community empowerment zones under this chapter as a result of a termination of an area's designation as a community empowerment zone under this section.

NEW SECTION. Sec. 7. The department must administer this chapter and has the following powers and duties:

(1) To monitor the implementation of chapter . . . , Laws of 2000 (this act) and submit reports evaluating the effectiveness of the program and any suggestions for legislative changes to the governor and legislature by December 1, 2000;

(2) To develop evaluation and performance measures for local governments to measure the effectiveness of the program at the local level on meeting the objectives of this chapter;

(3) To provide information and appropriate assistance to persons desiring to locate and operate a business in a community empowerment zone;

(4) To work with appropriate state agencies to coordinate the delivery of programs, including but not limited to housing, community and economic development, small business assistance, social service, and employment and training programs which are carried on in a community empowerment zone; and

(5) To develop rules necessary for the administration of this chapter.

NEW SECTION. Sec. 8. The administration of a community empowerment zone is under the jurisdiction of the local government. Each local government must, by ordinance, designate a community empowerment zone administrator for the area designated as a community empowerment zone that is within its jurisdiction. A community empowerment zone administrator must be an officer or employee of the local government. The community empowerment zone administrator is the liaison between the local government, the department, the business community, and labor and community-based organizations within the community empowerment zone.

NEW SECTION. Sec. 9. This chapter may be known and cited as the Washington community empowerment zone act.

NEW SECTION. Sec. 10. Sections 1, 2, and 5 through 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 11. RCW 43.63A.700 and 43.63A.710, as amended by this act, are each recodified as sections in chapter 43.-- RCW (sections 1, 2, and 5 through 9 of this act).

NEW SECTION. Sec. 12. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 13. (1) The legislature finds that establishing a clear state-wide strategy for successful economic development will best prepare the state of Washington to respond to the challenges and take advantage of future economic cycles. The legislature further finds that without a state-wide economic development plan the state's budget and election cycles make it difficult for government to adhere to consistent, long-term economic development priorities that are essential to successful, enhanced economic development. The legislature further finds that the purpose of economic development is to increase the standard of living and enhance the quality of life of the citizens of this state.

(2) It is the intent of the legislature that a strategic state-wide economic development plan be created that reflects the following goals and objectives:

(a) To create and maintain jobs and income that would not otherwise be created or maintained, and to increase wealth rather than to redistribute it;

(b) To add value to private sector economic activity; and

(c) To assist businesses in developing their business strategies, increasing the skills of their workers and managers, applying advanced technologies, developing infrastructure, accessing capital, and enhancing social capital.

NEW SECTION. Sec. 14. For the purposes of this chapter "department" means the department of community, trade, and economic development, or its successor agency or agencies. "The plan" or "state plan" means a state-wide economic development plan, as developed under sections 15 and 16 of this act.

NEW SECTION. Sec. 15. (1) The legislative committee on economic development shall take the lead responsibility for creating a state-wide strategic plan for economic development in conjunction with the department, and an advisory group of business, labor, and other interests. The advisory group shall be appointed by the lieutenant governor and shall consist of no more than twelve members.

(2) In preparing the state plan, the legislative committee on economic development and the department shall recognize:

- (a) Regional economic, political, and cultural differences, and acknowledge the special challenges facing urban and rural communities; and
- (b) Special contributions of, and challenges facing, women and minority-owned businesses.
- (3) The plan should set priorities and concentrate resources on those priorities.
- (4) The plan should include specific implementation steps and establish a process for institutionalizing economic development planning.

NEW SECTION. Sec. 16. The legislative committee on economic development and the department shall develop and include the following elements in the plan:

(1) New strategies that seek to improve the overall competitiveness of groups of similar businesses, usually termed clusters, and entire industries or sectors rather than traditional strategies that focus on individualized assistance. These strategies should foster interfirm cooperation and learning, technology adaptation, and work-based learning to improve work force skills. Under these strategies the state acts as a broker of available private and public development resources, or contracts for such broker services;

(2) Direction to the department to develop programs consistent with the state plan, and that are characterized by outcome-based performance management systems and decentralized decision making;

(3) Direction to the department to assist local governments and other interested parties in the creation of regional economic development plans consistent with the state plan; and

(4) Direction to the department to develop a professional research capacity to keep the state's trade assistance operation regularly appraised of opportunities and updated on performance.

NEW SECTION. Sec. 17. The legislature recognizes the urgent need for having a plan in place as soon as is reasonably possible. The legislative committee on economic development and the department are directed to immediately develop a work plan and take other steps necessary to implement sections 13 through 16 of this act.

NEW SECTION. Sec. 18. Sections 13 through 16 of this act constitute a new chapter in Title 43 RCW.

Sec. 19. RCW 43.330.070 and 1993 c 280 s 10 are each amended to read as follows:

(1) The department shall work closely with local communities to increase their capacity to respond to economic, environmental, and social problems and challenges. The department shall coordinate the delivery of development services and technical assistance to local communities or regional areas. It shall promote partnerships between the public and private sectors and between state and local officials to encourage appropriate economic growth and opportunity in communities throughout the state, in particular strategies designed to encourage economic growth and opportunities in community empowerment zones designated under RCW 43.63A.700 (as recodified by this act). The department shall promote appropriate local development by: Supporting the ability of communities to

develop and implement strategic development plans; assisting businesses to start up, maintain, or expand their operations; encouraging public infrastructure investment and private and public capital investment in local communities; supporting efforts to manage growth and provide affordable housing and housing services; providing for the identification and preservation of the state's historical and cultural resources; and expanding employment opportunities.

(2) The department shall define a set of services including training and technical assistance that it will make available to local communities, community-based nonprofit organizations, regional areas, industry clusters, or businesses. The department shall simplify access to these programs by providing more centralized and user-friendly information and referral. The department shall coordinate community and economic development efforts to minimize program redundancy and maximize accessibility. The department shall develop a set of criteria for targeting services to local communities.

(3) The department shall develop a coordinated and systematic approach to providing training to community-based nonprofit organizations, local communities, industry clusters, and businesses. The approach shall be designed to increase the economic and community development skills available in local communities by providing training and funding for training for local citizens, nonprofit organizations, industry clusters, and businesses. The department shall emphasize providing training in those communities most in need of state assistance.

(4) As used in this section, "industry clusters" means a geographic concentration of interdependent competitive firms that do business with each other. Clusters also include firms that sell inside and outside of the geographic region as well as support firms that supply raw materials, components, and business services.

NEW SECTION. Sec. 20. The legislature finds that economic development, work force training, international trade, tourism development, housing assistance, assistance to local governments, and other programs and services provided by the department of community, trade, and economic development are vital to all regions of the state. The legislature further finds that program development and service delivery to the eastern region of the state could be significantly enhanced by a continuous, full-time physical staff presence in that region.

NEW SECTION. Sec. 21. For the purposes of sections 20 through 23 of this act:

(1) "Department" means the department of community, trade, and economic development, or its successor agency or agencies.

(2) "Director" means the director of the department.

NEW SECTION. Sec. 22. In order to more effectively respond to the needs of eastern Washington communities, the department shall, as soon as practicable, establish a field office and a full-time staff presence in eastern Washington. If practicable, the office shall be colocated with one or more existing state agencies in the Tri-Cities area to facilitate the urgent economic development needs of southeastern Washington. This office shall be staffed by the director in the most efficient manner that is likely to provide improved service to eastern Washington communities.

NEW SECTION. Sec. 23. Program activities and priorities for this office serving eastern Washington shall be determined by the director, in consultation with local government officials, business, labor, and educational advisors from the region.

NEW SECTION. Sec. 24. (1) The legislature finds that Washington's quality of life, standard of living, and social and economic opportunity all depend on the vitality of the state's economy. The legislature further finds that economic development tries to reinforce the natural way by which strong foundations in the areas of human resources, capital resources, technology, tax and regulatory, advanced physical infrastructure, information and communication infrastructure, and quality of life strengthen the economy. The legislature further finds that the strength and vitality of the state's economy depends on the competitiveness of the state's industry clusters. The legislature further finds industry clusters can become a powerful magnet for businesses to locate in an area and create a spawning ground for start-up companies. The legislature further finds that industry clusters create

large, diverse pools of experienced workers; attract suppliers who tend to congregate in their vicinity for increased efficiency; and foster a competitive spirit that stimulates growth and innovative strategic alliances. The legislature further finds that the state must first identify and understand the industry clusters before strategies can be developed to enhance their competitive position in the world.

(2) It is the intent of the legislature to establish an industry cluster-based approach to economic development as a component of a state-wide strategy to address economic growth and quality of life issues.

NEW SECTION. Sec. 25. A new section is added to chapter 43.330 RCW to read as follows:

(1) The department of community, trade, and economic development, or its successor agency, shall work with industry associations and organizations to identify industry clusters on a regional and state-wide basis. The industry clusters may include, but not be limited to aerospace, agriculture, food processing, forest products, business services, financial services, health and biomedical, software, transportation and distribution, environmental technology, and microelectronics.

(2) In the identification of industry clusters, the department's activities may include, but are not limited to:

(a) Conducting focus group discussions, facilitating meetings, and conducting studies to identify industry clusters, members of an industry cluster, the current state of the industry cluster, and issues of common concern of the industry cluster;

(b) Supporting the formation of industry cluster associations, publication of cluster association directories, and related efforts to encourage the entry of new firms into the industry cluster; and

(c) Providing methods for electronic communication and information dissemination among firms within industry clusters.

(3) The department shall work with identified industry clusters, private sector organizations, local governments, local economic development organizations, and higher education and training institutions to assist in the development of strategies designed to strengthen the competitiveness of the state's industry clusters. The department shall, on a continuing basis, evaluate effectiveness of the services provided to industry clusters using information gathered at the regional and state-wide level.

(4) As used in this section, "industry cluster" means a geographic concentration of interdependent competitive firms that do business with each other. Clusters also include firms that sell inside and outside of the geographic region as well as support firms that supply raw materials, components, and business services.

Sec. 26. RCW 43.330.090 and 1998 c 245 s 85 are each amended to read as follows:

(1) The department shall work with private sector organizations, industry clusters, local governments, local economic development organizations, and higher education and training institutions to assist in the development of strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production by focusing on targeted sectors. The targeted sectors may include, but are not limited to, software, forest products, biotechnology, environmental industries, recycling markets and waste reduction, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to a targeted sector's approach to economic development and including additional sectors in its efforts. The department shall use information gathered in each service delivery region in formulating its sectoral strategies and in designating new targeted sectors.

(2) The department shall ensure that the state continues to pursue a coordinated program to expand the tourism industry throughout the state in cooperation with the public and private tourism development organizations. The department shall work to provide a balance of tourism activities throughout the state and during different seasons of the year. In addition, the department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

(3) In assisting in the development of a targeted sector, the department's activities may include, but are not limited to:

(a) Conducting focus group discussions, facilitating meetings, and conducting studies to identify members of the sector, appraise the current state of the sector, and identify issues of common concern within the sector;

(b) Supporting the formation of industry associations, publications of association directories, and related efforts to create or expand the activities or industry associations;

(c) Assisting in the formation of flexible networks by providing (i) agency employees or private sector consultants trained to act as flexible network brokers and (ii) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;

(d) Helping establish research consortia;

(e) Facilitating joint training and education programs;

(f) Promoting cooperative market development activities;

(g) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and

(h) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network or industry cluster activity.

(4) As used in this section, "industry cluster" has the same meaning as in section 25 of this act.

Sec. 27. RCW 82.60.049 and 1999 c 164 s 304 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved before January 1, 2000, under RCW 43.63A.700 or a county containing a community empowerment zone approved before January 1, 2000.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone in which the project is located. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) If a person does not meet the requirements of this section by the end of the calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

NEW SECTION. **Sec. 28.** A new section is added to chapter 82.14 RCW to read as follows:

(1) The county legislative authority of a county in which there is a community empowerment zone as defined in section 2 of this act may submit an authorizing proposition to the county voters and, if the proposition is approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter for the purposes designated in subsection (3) of this section.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of sales tax, or value of the article used in the case of a use tax.

(3) Moneys received from any tax imposed under this section shall be used solely for the purpose of providing funds for costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, reequipping, and improvement of emergency communication systems and facilities.

(4) Counties in which there are community empowerment zones as defined in section 2 of this act are authorized to develop joint ventures to collocate emergency communication systems and facilities.

NEW SECTION. **Sec. 29.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "zones;" strike the remainder of the title and insert "amending RCW 43.63A.700, 43.63A.710, 43.330.070, 43.330.090, and 82.60.049; adding a new section to chapter 43.330 RCW; adding a new section to chapter 82.14 RCW; adding new chapters to Title 43 RCW; creating new sections; and recodifying RCW 43.63A.700 and 43.63A.710."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House did not concur in the Senate Amendment(s) to Substitute House Bill No. 2460 and asked the Senate to recede therefrom.

SIGNED BY THE SPEAKERS

The Speakers signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1987,
HOUSE BILL NO. 2353,
SUBSTITUTE HOUSE BILL NO. 2378,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380,
HOUSE BILL NO. 2400,
SUBSTITUTE HOUSE BILL NO. 2418,
SUBSTITUTE HOUSE BILL NO. 2441,
HOUSE BILL NO. 2510,
HOUSE BILL NO. 2531,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2588,
HOUSE BILL NO. 2595,
SECOND SUBSTITUTE HOUSE BILL NO. 2637,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647,

ENGROSSED HOUSE BILL NO. 2648,
SECOND SUBSTITUTE HOUSE BILL NO. 2663,
HOUSE BILL NO. 2807,
SUBSTITUTE HOUSE BILL NO. 2903,
SUBSTITUTE HOUSE BILL NO. 2912,
HOUSE JOINT MEMORIAL NO. 4026,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4428,
SUBSTITUTE SENATE BILL NO. 6336,
ENGROSSED SENATE BILL NO. 6555,
SUBSTITUTE SENATE BILL NO. 6675,

SECOND READING

ENGROSSED SENATE BILL NO. 6561, by Senators Rossi, Patterson, Horn, Loveland, Heavey, Deccio, Rasmussen, Winsley, T. Sheldon and Haugen

Designating the Washington national guard as a law enforcement agency for the purposes of federal drug asset forfeiture laws.

Representative Campbell moved the adoption of the following amendment (696):

On page 2, beginning on line 4, strike "Whether the national guard retained or disposed of the property; the" and insert "The"

On page 2, line 7, strike "disposition" and insert "the sale"

On page 2, beginning on line 7, strike "a description and record of the national guard's use of the money or property" and insert "if the money or the proceeds of sale of any property were promptly deposited into the public safety and education account established in RCW 43.08.250"

On page 2, after line 16, insert "All money received by the Washington national guard under this section shall be promptly deposited into the public safety and education account established in RCW 43.08.250. All property received by the Washington national guard under this section shall be promptly sold and the proceeds of sale promptly deposited into the public safety and education account established in RCW 43.08.250."

Representatives Campbell, Hurst, Lambert, Campbell (again), Sump and Carrell spoke in favor of the adoption of the amendment.

Representatives Miloscia, Schmidt and Morris spoke against the adoption of the amendment.

The amendment was adopted.

Representative Carrell moved the adoption of the following amendment (697):

On page 2, line 1, after "agency." insert "The Washington state national guard shall not otherwise request, instigate, or exercise the powers, rights, duties, or authority of a law enforcement agency and may not exercise any police powers except as ordered by the governor under article X,

Washington state constitution, as provided for under R.W. 38.08.500, or as requested in writing by another law enforcement agency. Such writing shall specify the purpose of the request and the police powers to be exercised and shall be considered a public record."

Speaker Ballard assumed the chair.

Representatives Carrell, Lambert and Campbell spoke in favor of the adoption of the amendment.

Representatives Schmidt and Miloscia spoke against the adoption of the amendment.

Division was demanded. Speaker Ballard divided the House. The results of the division was 62-YEAS; 35-NAYS. The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmidt and Miloscia spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Senate Bill No. 6561, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6561, as amended by the House, and the bill passed the House by the following vote: Yeas - 80, Nays - 18, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Kastama, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Scott, Skinner, D. Sommers, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 80.

Voting nay: Representatives Anderson, Cody, Constantine, Edmonds, Fisher, Hurst, Kagi, Keiser, McIntire, Murray, Regala, Schual-Berke, H. Sommers, Stensen, Voloria, Wensman, Wolfe and Wood - 18.

Engrossed Senate Bill No. 6561, as amended by the House, having received the constitutional majority, was declared passed.

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

March 31, 2000

ESSB 6530 Prime Sponsor, Senate Committee on Ways & Means: Pertaining to plans 2 and 3 of the state retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**""PROVISIONS APPLICABLE TO PUBLIC EMPLOYEES'
RETIREMENT SYSTEM PLANS 2 AND 3"**

Sec. 101. RCW 41.40.005 and 1992 c 72 s 8 are each amended to read as follows:
RCW 41.40.010 through 41.40.112 shall apply to members of plan 1 (~~and~~), plan 2, and plan

3.

Sec. 102. RCW 41.40.010 and 1998 c 341 s 601 are each amended to read as follows:
As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for plan 1 members, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for plan 2 and plan 3 members, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030; except that after August 31, 2000, school districts and educational service districts will no longer be employers for the public employees' retirement system plan 2.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.023. RCW 41.26.045 does not prohibit a person otherwise eligible for membership in the retirement system from establishing such membership effective when he or she first entered an eligible position.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8)(a) "Compensation earnable" for plan 1 members, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer.

(i) "Compensation earnable" for plan 1 members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit;

(B) If a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee;

(C) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(D) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038;

(E) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670; and

(F) Compensation that a member receives for being in standby status. For the purposes of this section, a member is in standby status when not being paid for time actually worked and the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise.

(ii) "Compensation earnable" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Compensation earnable" for plan 2 and plan 3 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

"Compensation earnable" for plan 2 and plan 3 members also includes the following actual or imputed payments, which are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit;

(ii) In any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(A) The compensation earnable the member would have received had such member not served in the legislature; or

(B) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions;

(iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(iv) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038;

(v) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670; and

(vi) Compensation that a member receives for being in standby status. For the purposes of this section, a member is in standby status when not being paid for time actually worked and the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise.

(9)(a) "Service" for plan 1 members, except as provided in RCW 41.40.088, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.088. Only service credit months and one-quarter service credit months shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits. Time spent in standby status, whether compensated or not, is not service.

(i) Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(ii) An individual shall receive no more than a total of twelve service credit months of service during any calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(iii) A school district employee may count up to forty-five days of sick leave as creditable service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan 1 "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than twenty-two days equals one-quarter service credit month;

(B) Twenty-two days equals one service credit month;

(C) More than twenty-two days but less than forty-five days equals one and one-quarter service credit month.

(b) "Service" for plan 2 and plan 3 members, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

(i) Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the Washington school employees' retirement system, teachers' retirement system, or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the Washington school employees' retirement system, teachers' retirement system, or law enforcement officers' and fire fighters' retirement system.

(ii) A member shall receive a total of not more than twelve service credit months of service for such calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(iii) Up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan 2 and plan 3 "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

- (A) Less than eleven days equals one-quarter service credit month;
- (B) Eleven or more days but less than twenty-two days equals one-half service credit month;
- (C) Twenty-two days equals one service credit month;
- (D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;
- (E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(13) "Membership service" means:

- (a) All service rendered, as a member, after October 1, 1947;
- (b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system for which member and employer contributions, plus interest as required by RCW 41.50.125, have been paid under RCW 41.40.056 or 41.40.057;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(14)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for plan 2 and plan 3 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(15) "Regular interest" means such rate as the director may determine.

(16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(17)(a) "Average final compensation" for plan 1 members, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for plan 2 and plan 3 members, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.40.710(2).

(18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(21) "Retirement allowance" means the sum of the annuity and the pension.

(22) "Employee" or "employed" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. The department shall adopt rules and interpret this subsection consistent with common law.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(25) "Eligible position" means:

(a) Any position that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor, or appointed by the chief justice of the supreme court under RCW 2.04.240(2) or 2.06.150(2), for which compensation is paid.

(26) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (25) of this section.

(27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(29) "Retiree" means any person who has begun accruing a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member.

(30) "Director" means the director of the department.

(31) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "Plan 1" means the public employees' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(34) "Plan 2" means the public employees' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977, and are not included in plan 3.

(35) "Plan 3" means the public employees' retirement system, plan 3 providing the benefits and funding provisions covering persons who:

(a) First become a member on or after:

(i) March 1, 2002, and are employed by a state agency or institute of higher education and who did not choose to enter plan 2; or

(ii) September 1, 2002, and are employed by other than a state agency or institute of higher education and who did not choose to enter plan 2; or

(b) Transferred to plan 3 under section 304 of this act.

(36) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

~~((36))~~ (37) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

~~((37))~~ (38) "Index B" means the index for the year prior to index A.

~~((38))~~ (39) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

~~((39))~~ (40) "Adjustment ratio" means the value of index A divided by index B.

~~((40))~~ (41) "Annual increase" means, initially, fifty-nine cents per month per year of service which amount shall be increased each July 1st by three percent, rounded to the nearest cent.

~~((41))~~ (42) "Separation from service" occurs when a person has terminated all employment with an employer.

(43) "Member account" or "member's account" for purposes of plan 3 means the sum of the contributions and earnings on behalf of the member in the defined contribution portion of plan 3.

Sec. 103. RCW 41.40.042 and 1991 c 35 s 89 are each amended to read as follows:

The deductions from the compensation of members, provided for in RCW 41.40.330 (~~(or 41.40.650)~~), 41.45.060, 41.45.061, or section 507 of this act, shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for in this chapter and receipt in full for his or her salary or compensation, and payment less the deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by the person during the period covered by the payment, except as to benefits provided for under this chapter.

Sec. 104. RCW 41.40.054 and 1997 c 103 s 3 are each amended to read as follows:

A member shall not receive a disability retirement benefit under RCW 41.40.200, 41.40.220, 41.40.230, 41.40.235, 41.40.250, (~~(or)~~) 41.40.670, or section 310 of this act if the disability is the result of criminal conduct by the member committed after April 21, 1997.

Sec. 105. RCW 41.40.057 and 1995 c 286 s 3 are each amended to read as follows:

(1) This section applies to the establishment of membership service with employers admitted to the retirement system after July 23, 1995.

(2) For current employees, membership service may be established for periods of employment with an employer prior to the employer's admission into the retirement system by making the payments required by this section.

The employer must select one of the options in this subsection and apply it uniformly, except as provided in subsection (3) of this section. The required payment shall include the total member and employer contributions that would have been required from the date of each current member's hire.

(a) Option A: The employer makes all the required payments within fifteen years from the date of the employer's admission.

(b) Option B: The employer makes a portion of the required payments and the member pays the balance. The employer shall not be required to make its payments until the member has made his or her payments. Each member shall have the option to purchase the membership service.

(c) Option C: The member makes all of the required payments. Each member shall have the option to purchase the membership service.

All payments under options B and C of this subsection must be completed within five years from the date of the employer's admission, or prior to the retirement of the member, whichever occurs sooner. A member may not receive membership service credit under option B or C of this subsection until all required payments have been made.

(3) An employer shall not be required to purchase membership service under option A or B for periods of employment for which the employer made contributions to a qualified retirement plan as defined by 26 U.S.C. Sec. 401(a), if the contributions plus interest accrued cannot be transferred to the retirement system. If the employer does not purchase the membership credit under this subsection, the member may purchase the membership service under subsection (2)(c) of this section.

(4) A former employee who is an active member of the system and is not covered by subsection (2) of this section may establish membership service by making the required payments under subsection (2)(c) of this section prior to the retirement of the member.

(5) All payments made by the member under this section shall be placed in the member's individual account in the members' savings fund or the member's account for those members entering plan 3.

Sec. 106. RCW 41.40.062 and 1998 c 341 s 602 are each amended to read as follows:

(1) The members and appointive and elective officials of any political subdivision or association of political subdivisions of the state may become members of the retirement system by the approval of the local legislative authority.

(2) On and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter. Every member of each school district who is eligible for membership under RCW 41.40.023 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949, except that after August 31, 2000, school districts will no longer be employers for the public employees' retirement system plan 2 or plan 3.

Sec. 107. RCW 41.40.088 and 1998 c 341 s 603 are each amended to read as follows:

(1) A plan 1 member who is employed by a school district or districts, an educational service district, the state school for the deaf, the state school for the blind, institutions of higher education, or community colleges:

(a) Shall receive a service credit month for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for six hundred thirty hours or more during that period, and is employed during nine months of that period, except that a member may not receive credit for any period prior to the member's employment in an eligible position;

(b) If a member in an eligible position does not meet the requirements of (a) of this subsection, the member is entitled to a service credit month for each month of the period he or she earns earnable compensation for seventy or more hours; and the member is entitled to a one-quarter service credit month for those calendar months during which he or she earned compensation for less than seventy hours.

(2) Except for any period prior to the member's employment in an eligible position, a plan 2 or plan 3 member who is employed by a school district or districts, an educational service district, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges:

(a) Shall receive a service credit month for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for eight hundred ten hours or more during that period, and is employed during nine months of that period;

(b) If a member in an eligible position for each month of the period from September through August of the following year does not meet the hours requirements of (a) of this subsection, the member is entitled to one-half service credit month for each month of the period if he or she earns earnable compensation for at least six hundred thirty hours but less than eight hundred ten hours during that period, and is employed nine months of that period.

(c) In all other instances, a member in an eligible position is entitled to service credit months as follows:

(i) One service credit month for each month in which compensation is earned for ninety or more hours;

(ii) One-half service credit month for each month in which compensation is earned for at least seventy hours but less than ninety hours; and

(iii) One-quarter service credit month for each month in which compensation is earned for less than seventy hours.

(d) After August 31, 2000, school districts and educational service districts will no longer be employers for the public employees' retirement system plan 2 or plan 3.

(3) The department shall adopt rules implementing this section.

Sec. 108. RCW 41.40.092 and 1983 c 81 s 3 are each amended to read as follows:

(1) Active members of the Washington state patrol retirement system who have previously established service credit in the public employees' retirement system, plan 1 or plan 2 while employed by the state patrol as a cadet as defined in RCW 43.43.120(6)(b) may have such service credit

transferred to the state patrol retirement system subject to the terms and conditions specified in chapter 43.43 RCW, including reestablishment of such service for the sole purpose of transfer. Service reestablishment shall be subject to the interest requirements of RCW 41.40.150(2).

(2) Service credit established for employment other than that specified in subsection (1) of this section is not eligible for transfer.

NEW SECTION. **Sec. 109.** RCW 41.40.094 is decodified.

"PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 2"

Sec. 201. RCW 41.40.610 and 1991 c 35 s 97 are each amended to read as follows: RCW 41.40.620 through ~~((41.40.740))~~ 41.40.750 shall apply only to plan 2 members.

NEW SECTION. **Sec. 202.** RCW 41.40.650 (Employer and member contributions) and 1989 c 273 s 24, 1986 c 268 s 6, 1984 c 184 s 12, & 1977 ex.s. c 295 s 6 are each repealed.

"PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 3"

NEW SECTION. **Sec. 301.** (1) Sections 301 through 316 of this act apply only to plan 3 members.

(2) Plan 3 consists of two separate elements: (a) A defined benefit portion covered under this subchapter; and (b) a defined contribution portion covered under chapter 41.34 RCW.

(3) Unless otherwise specified, all references to "plan 3" in this subchapter refer to the defined benefit portion of plan 3.

NEW SECTION. **Sec. 302.** (1) All employees who first become employed by an employer in an eligible position on or after March 1, 2002, for state agencies or institutes of higher education, or September 1, 2002, for other employers, shall have a period of ninety days to make an irrevocable choice to become a member of plan 2 or plan 3. At the end of ninety days, if the member has not made a choice to become a member of plan 2, he or she becomes a member of plan 3.

(2) For administrative efficiency, until a member elects to become a member of plan 3, or becomes a member of plan 3 by default pursuant to subsection (1) of this section, the member shall be reported to the department in plan 2, with member and employer contributions. Upon becoming a member of plan 3 by election or by default, all service credit shall be transferred to the member's plan 3 defined benefit, and all employee accumulated contributions shall be transferred to the member's plan 3 defined contribution account.

NEW SECTION. **Sec. 303.** (1) A member of the retirement system shall receive a retirement allowance equal to one percent of such member's average final compensation for each service credit year.

(2) The retirement allowance payable under section 309 of this act to a member who separates after having completed at least twenty service credit years shall be increased by twenty-five one-hundredths of one percent, compounded for each month from the date of separation to the date that the retirement allowance commences.

NEW SECTION. **Sec. 304.** (1) As used in this section, unless the context clearly requires otherwise:

(a) "Transfer period" means the time during which a member of one of the groups of plan 2 members identified in subsection (2) of this section may choose to irrevocably transfer from plan 2 to plan 3.

(b) "Transfer basis" means the accumulated contributions present in a member's savings fund on March 1, 2002, less fifty percent of any contributions made pursuant to RCW 41.50.165(2), which is the basis for calculation of the plan 2 to plan 3 additional transfer payment.

(c) "Additional transfer payment date" means June 1, 2003, the date of the additional transfer payment made according to subsection (6) of this section.

(2) Every plan 2 member employed by an employer in an eligible position has the option during their transfer period to make an irrevocable transfer to plan 3 according to the following schedule:

(a) For those members employed by state agencies and institutes of higher education the transfer period means the period between March 1, 2002, and September 1, 2002.

(b) For those members employed by other organizations the transfer period means the period between September 1, 2002, and June 1, 2003.

(c) For those members employed by more than one employer within the retirement system, and whose transfer period is different between one employer and another, the member's transfer period is the last period that is available from any of that member's employers within the retirement system.

(3) All service credit in plan 2 shall be transferred to the defined benefit portion of plan 3.

(4)(a) Anyone who first became a state or higher education member of plan 2 before March 1, 2002, or a local government member of plan 2 before September 1, 2002, who wishes to transfer to plan 3 after their transfer period may transfer during the month of January in any following year, provided that the member earns service credit for that month.

(b) Anyone who chose to become a state or higher education member of plan 2 on or after March 1, 2002, or a local government member of plan 2 on or after September 1, 2002, is prohibited from transferring to plan 3 under (a) of this subsection.

(5) The accumulated contributions in plan 2, less fifty percent of any contributions made pursuant to RCW 41.50.165(2) shall be transferred to the member's account in the defined contribution portion established in chapter 41.34 RCW, pursuant to procedures developed by the department and subject to RCW 41.34.090. Contributions made pursuant to RCW 41.50.165(2) that are not transferred to the member's account shall be transferred to the fund created in RCW 41.50.075(3), except that interest earned on all such contributions shall be transferred to the member's account.

(6) Anyone who requests to transfer under this section during their transfer period, and establishes service credit for February 2003, shall have their member account:

(a) If a member's transfer period is that described in subsection (2)(a) of this section, increased by one hundred ten percent of the transfer basis;

(b) If a member's transfer period is that described in subsection (2)(b) of this section, increased by one hundred eleven percent of the transfer basis; and

(c) Deposited into the member's individual account on the additional transfer payment date.

(7) If a member who requests to transfer dies before June 1, 2003, the additional payment provided by this section shall be paid to the member's estate, or the person or persons, trust, or organization the member nominated by written designation duly executed and filed with the department.

(8) Anyone previously retired from plan 2 is prohibited from transferring to plan 3.

(9) The legislature reserves the right to discontinue the right to transfer under this section and to modify and to discontinue the right to an additional payment under this section for any plan 2 members who have not previously transferred to plan 3.

NEW SECTION. Sec. 305. Any member or beneficiary eligible to receive a retirement allowance under the provisions of section 309, 310, or 312 of this act is eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances payable to eligible members no longer in service, but qualifying for such an allowance pursuant to RCW 41.40.068 shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Retirement allowances paid as death benefits shall accrue from the first day of the calendar month immediately following the member's death.

NEW SECTION. Sec. 306. (1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The earnable compensation reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection (4) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if:

(a) The member makes the contribution on behalf of the employer, plus interest, as determined by the department; and

(b) The member makes the employee contribution, plus interest, as determined by the department, to the defined contribution portion.

The contributions required shall be based on the average of the member's earnable compensation at both the time the authorized leave of absence was granted and the time the member resumed employment.

(4) A member who leaves the employ of an employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to five years of military service if within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

The department shall establish the member's service credit and shall bill the employer for its contribution required under RCW 41.45.060 and section 507 of this act for the period of military service, plus interest as determined by the department. Service credit under this subsection may be obtained only if the member makes the employee contribution to the defined contribution portion as determined by the department.

The contributions required shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

NEW SECTION. Sec. 307. (1) Contributions on behalf of the employer paid by the employee to purchase plan 3 service credit shall be allocated to the defined benefit portion of plan 3 and shall not be refundable when paid to the fund described in RCW 41.50.075(3). Contributions on behalf of the employee shall be allocated to the member account. If the member fails to meet the statutory time limitations to purchase plan 3 service credit, it may be purchased under the provisions of RCW 41.50.165(2). One-half of the purchase payments under RCW 41.50.165(2), plus interest, shall be allocated to the member's account.

(2) No purchased plan 3 membership service may be credited until all payments required of the member are made, with interest. Upon receipt of all payments owed by the member, the department shall bill the employer for any contributions, plus interest, required to purchase membership service.

NEW SECTION. Sec. 308. (1) The director may pay a member eligible to receive a retirement allowance or the member's beneficiary a lump sum payment in lieu of a monthly benefit if the initial monthly benefit would be less than one hundred dollars. The one hundred dollar limit shall

be increased annually as determined by the director. The lump sum payment shall be the actuarial equivalent of the monthly benefit.

(2) Persons covered under the provisions of subsection (1) of this section may upon returning to member status reinstate all previous service by depositing the lump sum payment received, with interest as computed by the director, within two years of returning to service or prior to retiring again, whichever comes first. In computing the amount due, the director shall exclude the accumulated value of the normal payments the member would have received while in beneficiary status if the lump sum payment had not occurred.

(3) Any member who receives a settlement under this section is deemed to be retired from this system.

NEW SECTION. Sec. 309. (1) **NORMAL RETIREMENT.** Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age fifty-four; or

(c) Completed five service credit years by the transfer payment date specified in section 304 of this act, under the public employees' retirement system plan 2 and who transferred to plan 3 under section 304 of this act;

shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 303 of this act.

(2) **EARLY RETIREMENT.** Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 303 of this act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) **ALTERNATE EARLY RETIREMENT.** Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 303 of this act, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

NEW SECTION. Sec. 310. (1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department shall be eligible to receive an allowance under the provisions of plan 3. The member shall receive a monthly disability allowance computed as provided for in section 303 of this act and shall have this allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to comprehensive medical examinations as required by the department. If these medical examinations reveal that a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, the member shall cease to be eligible for the allowance.

(2) If the recipient of a monthly retirement allowance under this section dies, any further benefit payments shall be conditioned by the payment option selected by the retiree as provided in section 314 of this act.

NEW SECTION. Sec. 311. (1) Any member who elects to transfer to plan 3 and has eligible unrestored withdrawn contributions in plan 2, may restore such contributions under the provisions of RCW 41.40.740 with interest as determined by the department. The restored plan 2 service credit will be automatically transferred to plan 3. Restoration payments will be transferred to the member account in plan 3. If the member fails to meet the time limitations of RCW 41.40.740, they may restore such contributions under the provisions of RCW 41.50.165(2). The restored plan 2 service credit will be

automatically transferred to plan 3. One-half of the restoration payments under RCW 41.50.165(2) plus interest shall be allocated to the member's account.

(2) Any member who elects to transfer to plan 3 may purchase plan 2 service credit under RCW 41.40.740. Purchased plan 2 service credit will be automatically transferred to plan 3. Contributions on behalf of the employer paid by the employee shall be allocated to the defined benefit portion of plan 3 and shall not be refundable when paid to the fund described in RCW 41.50.075(3). Contributions on behalf of the employee shall be allocated to the member account. If the member fails to meet the time limitations of RCW 41.40.740, they may subsequently restore such contributions under the provisions of RCW 41.50.165(2). Purchased plan 2 service credit will be automatically transferred to plan 3. One-half of the payments under RCW 41.50.165(2), plus interest, shall be allocated to the member's account.

NEW SECTION. Sec. 312. If a member dies prior to retirement, the surviving spouse or eligible child or children shall receive a retirement allowance computed as provided in section 303 of this act actuarially reduced to reflect a joint and one hundred percent survivor option and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 309 of this act.

If the surviving spouse who is receiving the retirement allowance dies leaving a child or children under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority.

If there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance, share and share alike. The allowance shall be calculated with the assumption that the age of the spouse and member were equal at the time of the member's death.

NEW SECTION. Sec. 313. Beginning July 1, 1979, and every year thereafter, the department shall determine the following information for each retired member or beneficiary whose retirement allowance has been in effect for at least one year:

- (1) The original dollar amount of the retirement allowance;
- (2) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";
- (3) The index for the calendar year prior to the date of determination, to be known as "index B"; and
- (4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

- (a) Produce a retirement allowance which is lower than the original retirement allowance;
- (b) Exceed three percent in the initial annual adjustment; or
- (c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index--Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 314. (1) Upon retirement for service as prescribed in section 309 of this act or retirement for disability under section 310 of this act, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with

the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

NEW SECTION. Sec. 315. (1) Except as provided in RCW 41.40.037, no retiree under the provisions of plan 3 shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010, 41.32.010, or 41.35.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030, except that a retiree who ends his or her membership in the retirement system pursuant to RCW 41.40.023(3)(b) is not subject to this section if the retiree's only employment is as an elective official of a city or town.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(3) The department shall adopt rules implementing this section.

NEW SECTION. Sec. 316. The benefits provided pursuant to chapter . . . , Laws of 2000 (this act) are not provided to employees as a matter of contractual right prior to March 1, 2002. The legislature retains the right to alter or abolish these benefits at any time prior to March 1, 2002.

NEW SECTION. Sec. 317. Sections 301 through 316 of this act are each added to chapter 41.40 RCW and codified with the subchapter heading "PLAN 3."

"DEFINED CONTRIBUTION"

Sec. 401. RCW 41.34.020 and 1998 c 341 s 301 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated:

(1) "Actuary" means the state actuary or the office of the state actuary.

(2) "Board" means the employee retirement benefits board authorized in chapter 41.50 RCW.

(3) "Department" means the department of retirement systems.

(4)(a) "Compensation" for teachers for purposes of this chapter is the same as "earnable compensation" for plan 3 in chapter 41.32 RCW except that the compensation may be reported when paid, rather than when earned.

(b) "Compensation" for classified employees for purposes of this chapter is the same as "compensation earnable" for plan 3 in RCW 41.35.010, except that the compensation may be reported when paid, rather than when earned.

(c) "Compensation" for public employees for purposes of this chapter is the same as "compensation earnable" for plan 3 in RCW 41.40.010, except that the compensation may be reported when paid, rather than when earned.

(5)(a) "Employer" for teachers for purposes of this chapter means the same as "employer" for plan 3 in chapter 41.32 RCW.

(b) "Employer" for classified employees for purposes of this chapter means the same as "employer" for plan 3 in RCW 41.35.010.

(c) "Employer" for public employees for purposes of this chapter means the same as "employer" for plan 3 in RCW 41.40.010.

(6) "Member" means any employee included in the membership of a retirement system as provided for in chapter 41.32 RCW of plan 3 (~~(or)~~) chapter 41.35 RCW of plan 3, or chapter 41.40 RCW of plan 3.

(7) "Member account" or "member's account" means the sum of the contributions and earnings on behalf of the member.

(8) "Retiree" means any member in receipt of an allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(9) "Teacher" means a member of the teachers' retirement system plan 3 as defined in RCW 41.32.010(29).

(10) "Classified employee" means a member of the school employees' retirement system plan 3 as defined in RCW 41.35.010.

(11) "Public employee" means a member of the public employees' retirement system plan 3 as defined in RCW 41.40.010.

Sec. 402. RCW 41.34.030 and 1998 c 341 s 302 are each amended to read as follows:

(1) This chapter applies only to members of plan 3 retirement systems created under chapters 41.32 (~~and~~), 41.35, and 41.40 RCW.

(2) Plan 3 consists of two separate elements:

(a) A defined benefit portion covered under:

(i) Sections 101 through 117, chapter 239, Laws of 1995; or

(ii) Sections 1 through 25 and 201 through 213, chapter 341, Laws of 1998; or

(iii) Sections 101 through 316, chapter . . . , Laws of 2000 (sections 101 through 316 of this act); and

(b) A defined contribution portion covered under this chapter. Unless specified otherwise, all references to "plan 3" in this chapter refer to the defined contribution portion of plan 3.

Sec. 403. RCW 41.34.040 and 1996 c 39 s 14 are each amended to read as follows:

(1) A member shall contribute from his or her compensation according to one of the following rate structures:

Option A Contribution Rate

All Ages 5.0% fixed

Option B

Up to Age 35 5.0%

Age 35 to 44 6.0%

Age 45 and above 7.5%

Option C

Up to Age 35 6.0%

Age 35 to 44 7.5%

Age 45 and above 8.5%

(2) The board shall have the right to offer contribution rate options in addition to those listed in subsection (1) of this section, provided that no significant additional administrative costs are created. All options offered by the board shall conform to the requirements stated in subsections (3) and (4) of this section.

(3)(a) For members of the teachers' retirement system entering plan 3 under RCW 41.32.835 or members of the school employees' retirement system entering plan 3 under RCW 41.35.610, within

ninety days of becoming a member he or she has an irrevocable option to choose one of the above contribution rate structures. If the member does not select an option within the ninety-day period, he or she shall be assigned option A. Such assignment shall be irrevocable.

(b) For members of the public employees' retirement system entering plan 3 under section 302 of this act, within the ninety days described in section 302 an employee who irrevocably chooses plan 3 shall select one of the above contribution rate structures. If the member does not select an option within the ninety-day period, he or she shall be assigned option A. Such assignment shall be irrevocable.

(c) For members of the teachers' retirement system transferring to plan 3 under RCW 41.32.817, members of the school employees' retirement system transferring to plan 3 under RCW 41.35.510, or members of the public employees' retirement system transferring to plan 3 under section 304 of this act, upon election to plan 3 he or she must irrevocably choose one of the above contribution rate structures.

(d) Within ninety days of the date that an employee ((becomes a member of plan III or)) changes employers, he or she has an irrevocable option to choose one of the above contribution rate structures. If the member does not select an option within this ninety-day period, he or she shall be assigned option A. Such assignment shall be irrevocable.

(4) Contributions shall begin the first day of the pay cycle in which the rate option is made, or the first day of the pay cycle in which the end of the ninety-day period occurs.

Sec. 404. RCW 41.34.060 and 1999 c 265 s 1 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the member's account shall be invested by the state investment board. In order to reduce transaction costs and address liquidity issues, based upon recommendations of the state investment board, the department may require members to provide up to ninety days' notice prior to moving funds from the state investment board portfolio to self-directed investment options provided under subsection (3) of this section.

(a) For members of the retirement system as provided for in chapter 41.32 RCW of plan 3, investment shall be in the same portfolio as that of the teachers' retirement system combined plan 2 and 3 fund under RCW 41.50.075(2).

(b) For members of the retirement system as provided for in chapter 41.35 RCW of plan 3, investment shall be in the same portfolio as that of the school employees' retirement system combined plan 2 and 3 fund under RCW 41.50.075(4).

(c) For members of the retirement system as provided for in chapter 41.40 RCW of plan 3, investment shall be in the same portfolio as that of the public employees' retirement system combined plan 2 and 3 fund under RCW 41.50.075(3).

(2) The state investment board shall declare monthly unit values for the portfolios or funds, or portions thereof, utilized under subsection (1)(a) and (b) of this section. The declared values shall be an approximation of portfolio or fund values, based on internal procedures of the state investment board. Such declared unit values and internal procedures shall be in the sole discretion of the state investment board. The state investment board may delegate any of the powers and duties under this subsection, including discretion, pursuant to RCW 43.33A.030. Member accounts shall be credited by the department with a rate of return based on changes to such unit values.

(3) Members may elect to self-direct their investments as set forth in RCW 41.34.130 and 43.33A.190.

Sec. 405. RCW 41.34.080 and 1998 c 341 s 304 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the various funds created by chapter 239, Laws of 1995(~~and~~); chapter 341, Laws of 1998; and chapter . . . , Laws of 2000 (this act) and all moneys and investments and income thereof, is hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and that has been approved for deduction in accordance with rules that may be adopted by the state health care authority and/or the department. This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Subsection (1) of this section shall not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

Sec. 406. RCW 41.34.100 and 1998 c 341 s 305 are each amended to read as follows:

(1) The benefits provided pursuant to chapter 239, Laws of 1995 are not provided to employees as a matter of contractual right prior to July 1, 1996. The legislature retains the right to alter or abolish these benefits at any time prior to July 1, 1996.

(2) The benefits provided pursuant to chapter 341, Laws of 1998 are not provided to employees as a matter of contractual right prior to September 1, 2000. The legislature retains the right to alter or abolish these benefits at any time prior to September 1, 2000.

(3) The benefits provided pursuant to chapter . . . , Laws of 2000 (this act) are not provided to employees as a matter of contractual right prior to March 1, 2002. The legislature retains the right to alter or abolish these benefits at any time prior to March 1, 2002.

"GAIN SHARING"

Sec. 407. RCW 41.31A.010 and 1998 c 341 s 311 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context requires otherwise.

(1) "Actuary" means the state actuary or the office of the state actuary.

(2) "Department" means the department of retirement systems.

(3) "Teacher" means any employee included in the membership of the teachers' retirement system as provided for in chapter 41.32 RCW.

(4) "Member account" or "member's account" means the sum of any contributions as provided for in chapter 41.34 RCW and the earnings on behalf of the member.

(5) "Classified employee" means the same as in RCW 41.35.010.

(6) "Public employee" means the same as "member" as defined in RCW 41.40.010(5).

Sec. 408. RCW 41.31A.020 and 1998 c 341 s 312 are each amended to read as follows:

(1) On January 1, (~~2002~~) 2004, and on January 1st of even-numbered years thereafter, the member account of a person meeting the requirements of this section shall be credited by the extraordinary investment gain amount.

(2) The following persons shall be eligible for the benefit provided in subsection (1) of this section:

(a) Any member of the teachers' retirement system plan 3 (~~(or)~~), the Washington school employees' retirement system plan 3, or the public employees' retirement system plan 3 who earned service credit during the twelve-month period from September 1st to August 31st immediately

preceding the distribution and had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution; or

(b) Any person in receipt of a benefit pursuant to RCW 41.32.875 ~~((or))~~, 41.35.680, or section 309 of this act; or

(c) Any person who is a retiree pursuant to RCW 41.34.020(8) and who:

(i) Completed ten service credit years; or

(ii) Completed five service credit years, including twelve service months after attaining age fifty-four; or

(d) Any teacher who is a retiree pursuant to RCW 41.34.020(8) and who has completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817; or

(e) Any classified employee who is a retiree pursuant to RCW 41.34.020(8) and who has completed five service credit years by September 1, 2000, and who transferred to plan 3 under RCW 41.35.510; or

(f) Any public employee who is a retiree pursuant to RCW 41.40.010(29) and who has completed five service credit years by March 1, 2002, and who transferred to plan 3 under section 304 of this act; or

(g) Any person who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who:

(i) Completed ten service credit years; or

(ii) Completed five service credit years, including twelve service months after attaining age fifty-four; or

~~((g))~~ (h) Any teacher who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who has completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817; or

~~((h))~~ (i) Any classified employee who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who has completed five service credit years by September 1, 2000, and who transferred to plan 3 under RCW 41.35.510; or

(j) Any public employee who had a balance of at least one thousand dollars in their member account on August 31st of the year immediately preceding the distribution and who has completed five service credit years by March 1, 2002, and who transferred to plan 3 under section 304 of this act.

(3) The extraordinary investment gain amount shall be calculated as follows:

(a) One-half of the sum of the value of the net assets held in trust for pension benefits in the teachers' retirement system combined plan 2 and 3 fund ~~((and))~~, the Washington school employees' retirement system combined plan 2 and 3 fund, and the public employees' retirement system combined plan 2 and 3 fund at the close of the previous state fiscal year not including the amount attributable to member accounts;

(b) Multiplied by the amount which the compound average of investment returns on those assets over the previous four state fiscal years exceeds ten percent;

(c) Multiplied by the proportion of:

(i) The sum of the service credit on August 31st of the previous year of all persons eligible for the benefit provided in subsection (1) of this section; to

(ii) The sum of the service credit on August 31st of the previous year of:

(A) All persons eligible for the benefit provided in subsection (1) of this section;

(B) Any person who earned service credit in the teachers' retirement system plan 2 ~~((or))~~, the Washington school employees' retirement system plan 2, or the public employees' retirement system plan 2 during the twelve-month period from September 1st to August 31st immediately preceding the distribution;

(C) Any person in receipt of a benefit pursuant to RCW 41.32.765 ~~((or))~~, 41.35.420, or 41.40.630; and

(D) Any person with five or more years of service in the teachers' retirement system plan 2 ~~((or))~~, the Washington school employees' retirement system plan 2, or the public employees' retirement system plan 2;

(d) Divided proportionally among persons eligible for the benefit provided in subsection (1) of this section on the basis of their service credit total on August 31st of the previous year.

(4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this distribution not granted prior to that time.

NEW SECTION. Sec. 409. A new section is added to chapter 41.31A RCW to read as follows:

(1) On June 1, 2003, the member account of a person meeting the requirements of this section shall be credited by the 2000 retroactive extraordinary investment gain amount and the 2002 retroactive extraordinary investment gain amount.

(2) The following persons shall be eligible for the benefits provided in subsection (1) of this section:

(a) Any public employee who earned service credit during the twelve-month period from September 1st to August 31st immediately preceding the distribution and who transferred to plan 3 under section 304 of this act; or

(b) Any public employee in receipt of a benefit pursuant to section 309 of this act and who has completed five service credit years by September 1, 2002, and who transferred to plan 3 under section 304 of this act; or

(c) Any public employee who is a retiree pursuant to RCW 41.34.020(8) and who has completed five service credit years by September 1, 2002, and who transferred to plan 3 under section 304 of this act; or

(d) Any public employee who has a balance of at least one thousand dollars in either his or her member account or in plan 2 accumulated contributions and who has completed five service credit years by September 1, 2002, and who transferred to plan 3 under section 304 of this act.

(3) The 2000 retroactive extraordinary investment gain amount shall be calculated as follows:

(a) An amount equal to the average benefit per year of service paid in 2000 to members of the teachers' retirement system plan 3 under section 309, chapter 341, Laws of 1998;

(b) Distributed to persons eligible for the benefit in subsection (1) of this section on the basis of their service credit total on July 1, 1999.

(4) The 2002 retroactive extraordinary investment gain amount shall be calculated as follows:

(a) An amount equal to the average benefit per year of service paid in 2002 to members of the teachers' retirement system plan 3 and the school employees' retirement system plan 3 under RCW 41.31A.020;

(b) Distributed to persons eligible for the benefit provided in subsection (1) of this section on the basis of their service credit total on July 1, 2001.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this distribution not granted prior to that time.

"ACTUARIAL FUNDING"

Sec. 501. RCW 41.45.010 and 1998 c 341 s 401 are each amended to read as follows:

It is the intent of the legislature to provide a dependable and systematic process for funding the benefits provided to members and retirees of the public employees' retirement system, chapter 41.40 RCW; the teachers' retirement system, chapter 41.32 RCW; the law enforcement officers' and fire fighters' retirement system, chapter 41.26 RCW; the school employees' retirement system, chapter 41.35 RCW; and the Washington state patrol retirement system, chapter 43.43 RCW.

The funding process established by this chapter is intended to achieve the following goals:

(1) To continue to fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 as provided by law;

(2) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, and the law enforcement officers' and fire fighters' retirement system plan 1 not later than June 30, 2024;

(3) To establish predictable long-term employer contribution rates which will remain a relatively constant proportion of the future state budgets; and

(4) To fund, to the extent feasible, benefit increases for plan 1 members and all benefits for plan 2 and 3 members over the working lives of those members so that the cost of those benefits are paid by the taxpayers who receive the benefit of those members' service.

Sec. 502. RCW 41.45.020 and 1998 c 341 s 402 and 1998 c 283 s 1 are each reenacted and amended to read as follows:

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

(1) "Council" means the pension funding council created in RCW 41.45.100.

(2) "Department" means the department of retirement systems.

(3) "Law enforcement officers' and fire fighters' retirement system plan 1" and "law enforcement officers' and fire fighters' retirement system plan 2" mean the benefits and funding provisions under chapter 41.26 RCW.

(4) "Public employees' retirement system plan 1," ~~((and))~~ "public employees' retirement system plan 2," and "public employees' retirement system plan 3" mean the benefits and funding provisions under chapter 41.40 RCW.

(5) "Teachers' retirement system plan 1," "teachers' retirement system plan 2," and "teachers' retirement system plan 3" mean the benefits and funding provisions under chapter 41.32 RCW.

(6) "School employees' retirement system plan 2" and "school employees' retirement system plan 3" mean the benefits and funding provisions under chapter 41.35 RCW.

(7) "Washington state patrol retirement system" means the retirement benefits provided under chapter 43.43 RCW.

(8) "Unfunded liability" means the unfunded actuarial accrued liability of a retirement system.

(9) "Actuary" or "state actuary" means the state actuary employed under chapter 44.44 RCW.

(10) "State retirement systems" means the retirement systems listed in RCW 41.50.030.

(11) "Work group" means the pension funding work group created in RCW 41.45.120.

(12) "Classified employee" means a member of the Washington school employees' retirement system plan 2 or plan 3 as defined in RCW 41.35.010.

(13) "Teacher" means a member of the teachers' retirement system as defined in RCW 41.32.010(15).

Sec. 503. RCW 41.45.050 and 1998 c 341 s 403 are each amended to read as follows:

(1) Employers of members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the Washington state patrol retirement system shall make contributions to those systems based on the rates established in RCW 41.45.060 and 41.45.070.

(2) The state shall make contributions to the law enforcement officers' and fire fighters' retirement system based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

(3) The department shall bill employers, and the state shall make contributions to the law enforcement officers' and fire fighters' retirement system, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of pension funding provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the public employees' retirement system combined plan 2 and plan 3 employer contribution (~~required by~~

~~RCW 41.40.650~~) shall first be deposited in the public employees' retirement system combined plan 2 and plan 3 fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(5) The contributions received for the teachers' retirement system shall be allocated between the plan 1 fund and the combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining teachers' retirement system employer contributions shall be deposited in the plan 1 fund.

(6) The contributions received for the school employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the school employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining school employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(7) The contributions received under RCW (~~41.26.450~~) 41.45.060, 41.45.061, and section 507 of this act for the law enforcement officers' and fire fighters' retirement system shall be allocated between the law enforcement officers' and fire fighters' retirement system plan 1 and the law enforcement officers' and fire fighters' retirement system plan 2 fund as follows: The contributions necessary to fully fund the law enforcement officers' and fire fighters' retirement system plan 2 employer contributions shall be first deposited in the law enforcement officers' and fire fighters' retirement system plan 2 fund. All remaining law enforcement officers' and fire fighters' retirement system employer contributions shall be deposited in the law enforcement officers' and fire fighters' retirement system plan 1 fund.

Sec. 504. RCW 41.45.060 and 1998 c 341 s 404, 1998 c 340 s 11, and 1998 c 283 s 6 are each reenacted and amended to read as follows:

(1) The state actuary shall provide actuarial valuation results based on the assumptions adopted under RCW 41.45.030.

(2) Not later than September 30, 1998, and every two years thereafter, consistent with the assumptions adopted under RCW 41.45.030, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system;

(b) Basic employer contribution rates for the public employees' retirement system (~~plan 1~~), the teachers' retirement system (~~plan 1~~), and the Washington state patrol retirement system to be used in the ensuing biennial period; and

(c) A basic employer contribution rate for the school employees' retirement system for funding the public employees' retirement system plan 1.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, the law enforcement officers' and fire fighters' retirement system plan 1, and the unfunded liability of the Washington state patrol retirement system not later than June 30, 2024, except as provided in subsection (5) of this section; (~~and~~)

(b) To also continue to fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 in accordance with RCW (~~41.40.650, 41.26.450,~~) 41.45.061, section 507 of this act, and this section; and

(c) For the law enforcement officers' and fire fighters' system plan 2 the rate charged to employers, except as provided in RCW 41.26.450, shall be thirty percent of the cost of the retirement system and the rate charged to the state shall be twenty percent of the cost of the retirement system.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 employer contribution rate.

(5) An amount equal to the amount of extraordinary investment gains as defined in RCW 41.31.020 shall be used to shorten the amortization period for the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted.

(7) The director of the department of retirement systems shall collect those rates adopted by the council.

Sec. 505. RCW 41.45.070 and 1998 c 341 s 406 and 1998 c 340 s 10 are each reenacted and amended to read as follows:

(1) In addition to the basic employer contribution rate established in RCW 41.45.060, the department shall also charge employers of public employees' retirement system, teachers' retirement system, school employees' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems. Except as provided in subsections (6) and (7) of this section, the supplemental contribution rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) In addition to the basic state contribution rate established in RCW 41.45.060 for the law enforcement officers' and fire fighters' retirement system the department shall also establish a supplemental rate to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and fire fighters' retirement system. Except as provided in subsection (6) of this section, this supplemental rate shall be calculated by the state actuary and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) The supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan 1, the teachers' retirement system plan 1, the law enforcement officers' and fire fighters' retirement system plan 1, and Washington state patrol retirement system, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit not later than June 30, 2024.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan 2 and plan 3, the teachers' retirement system plan 2 and plan 3, the school employees' retirement system plan 2 and plan 3, or the law enforcement officers' and fire fighters' retirement system plan 2, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW ~~((41.40.650 or 41.26.450, respectively))~~ 41.45.060, 41.45.061, or section 507 of this act.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. The supplemental rate charged under this section to fund automatic postretirement adjustments for active or retired members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments not later than June 30, 2024.

(6) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 340, Laws of 1998.

(7) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 41.31A RCW; section 309, chapter 341, Laws of 1998; or section 701, chapter 341, Laws of 1998.

Sec. 506. RCW 41.45.061 and 1998 c 341 s 405 are each amended to read as follows:

(1) The required contribution rate for members of the plan 2 teachers' retirement system shall be fixed at the rates in effect on July 1, 1996, subject to the following:

(a) Beginning September 1, 1997, except as provided in (b) of this subsection, the employee contribution rate shall not exceed the employer plan 2 and 3 rates adopted under RCW 41.45.060 and 41.45.070 for the teachers' retirement system;

(b) In addition, the employee contribution rate for plan 2 shall be increased by fifty percent of the contribution rate increase caused by any plan 2 benefit increase passed after July 1, 1996;

(c) In addition, the employee contribution rate for plan 2 shall not be increased as a result of any distributions pursuant to section 309, chapter 341, Laws of 1998 and RCW 41.31A.020.

(2) The required contribution rate for members of the school employees' retirement system plan 2 shall be fixed at the rates in effect on September 1, 2000, for members of the public employees' retirement system plan 2, subject to the following:

(a) Except as provided in (b) of this subsection, the member contribution rate shall not exceed the school employees' retirement system employer plan 2 and 3 contribution rate adopted under RCW 41.45.060 and 41.45.070;

(b) The member contribution rate for the school employees' retirement system plan 2 shall be increased by fifty percent of the contribution rate increase caused by any plan 2 benefit increase passed after September 1, 2000.

(3) The required contribution rate for members of the public employees' retirement system plan 2 shall be set at the same rate as the employer combined plan 2 and plan 3 rate.

(4) The required contribution rate for members of the law enforcement officers' and fire fighters' retirement system plan 2 shall be set at fifty percent of the cost of the retirement system.

(5) The employee contribution rates for plan 2 under subsections (3) and (4) of this section shall not ((be increased)) include any increase as a result of any distributions pursuant to RCW 41.31A.020 and 41.31A.030.

~~((4))~~ (6) The required plan 2 and 3 contribution rates for employers shall be adopted in the manner described in RCW 41.45.060.

NEW SECTION. Sec. 507. A new section is added to chapter 41.45 RCW to read as follows:

(1) Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.

(2) The director shall notify all employers of any pending adjustment in the required contribution rate and such pending adjustment in the required contribution rate and any increase shall be announced at least thirty days prior to the effective date of the change.

(3) Members' contributions required by RCW 41.45.060 and 41.45.061 shall be deducted from the members' compensation each payroll period. The members' contribution and the employers' contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

(4) The state's contribution required for the law enforcement officers' and fire fighters' retirement system plan 2 shall be transferred to the appropriate fund from the total contributions transferred by the state treasurer under RCW 41.45.060 and 41.45.070.

"NECESSARY FOR IMPLEMENTATION"

Sec. 601. RCW 41.50.075 and 1998 c 341 s 503 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and fire fighters' system plan 1 retirement fund, and the Washington law enforcement officers' and fire fighters' system plan 2 retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan 1, and the plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan 2.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan 1 fund and the teachers' retirement system combined plan

2 and 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 1, and the combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 2 and 3.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 1, and the combined plan 2 and plan 3 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plans 2 and 3.

(4) There is hereby established in the state treasury the school employees' retirement system combined plan 2 and 3 fund. The combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the school employees' retirement system plan 2 and plan 3.

Sec. 602. RCW 41.50.088 and 1998 c 341 s 507 and 1998 c 116 s 10 are each reenacted and amended to read as follows:

(1) The board shall adopt rules as necessary and exercise ~~((all))~~ the following powers and ~~((perform all))~~ duties ~~((prescribed by law with respect to))~~:

(a) The board shall recommend to the state investment board types of options for member self-directed investment in the teachers' retirement system plan 3 ~~((and))~~, the school employees' retirement system plan 3, and the public employees' retirement system plan 3 as deemed by the board to be reflective of the members' preferences;

~~(b) ((The selection of optional benefit payment schedules available to members and survivors of members upon the death, disability, retirement, or termination of the member. The optional benefit payments may include but not be limited to: Fixed and participating annuities, joint and survivor annuities, and payments that bridge to social security or defined benefit plan payments;~~

~~(c) Approval of actuarially equivalent annuities))~~ By July 1, 2005, the board shall make optional actuarially equivalent life annuity benefit payment schedules available to members and survivors that may be purchased from the combined plan 2 and plan 3 funds under RCW 41.50.075 ~~((2) or (3))~~; and

~~((d))~~ (c) Determination of the basis for administrative charges to the self-directed investment fund to offset self-directed account expenses;

(2) The board shall recommend to the state investment board types of options for participant self-directed investment in the state deferred compensation plan, as deemed by the board to be reflective of the participants' preferences.

Sec. 603. RCW 41.50.500 and 1998 c 341 s 512 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.50.500 through 41.50.650, 41.50.670 through 41.50.720, and 26.09.138.

(1) "Benefits" means periodic retirement payments or a withdrawal of accumulated contributions.

(2) "Disposable benefits" means that part of the benefits of an individual remaining after the deduction from those benefits of any amount required by law to be withheld. The term "required by law to be withheld" does not include any deduction elective to the member.

(3) "Dissolution order" means any judgment, decree, or order of spousal maintenance, property division, or court-approved property settlement incident to a decree of divorce, dissolution, invalidity, or legal separation issued by the superior court of the state of Washington or a judgment, decree, or other order of spousal support issued by a court of competent jurisdiction in another state or country, that has been registered or otherwise made enforceable in this state.

(4) "Mandatory benefits assignment order" means an order issued to the department of retirement systems pursuant to RCW 41.50.570 to withhold and deliver benefits payable to an obligor under chapter 2.10, 2.12, 41.26, 41.32, 41.40, 41.35, or 43.43 RCW.

(5) "Obligee" means an ex spouse or spouse to whom a duty of spousal maintenance or property division obligation is owed.

(6) "Obligor" means the spouse or ex spouse owing a duty of spousal maintenance or a property division obligation.

(7) "Periodic retirement payments" means periodic payments of retirement allowances, including but not limited to service retirement allowances, disability retirement allowances, and survivors' allowances. The term does not include a withdrawal of accumulated contributions.

(8) "Property division obligation" means any outstanding court-ordered property division or court-approved property settlement obligation incident to a decree of divorce, dissolution, or legal separation.

(9) "Standard allowance" means a benefit payment option selected under RCW 2.10.146(1)(a), 41.26.460(1)(a), 41.32.785(1)(a), 41.40.188(1)(a), 41.40.660(1), section 314(1)(a) of this act, or 41.35.220 that ceases upon the death of the retiree. Standard allowance also means the benefit allowance provided under RCW 2.10.110, 2.10.130, 43.43.260, 41.26.100, 41.26.130(1)(a), or chapter 2.12 RCW. Standard allowance also means the maximum retirement allowance available under RCW 41.32.530(1) following member withdrawal of accumulated contributions, if any.

(10) "Withdrawal of accumulated contributions" means a lump sum payment to a retirement system member of all or a part of the member's accumulated contributions, including accrued interest, at the request of the member including any lump sum amount paid upon the death of the member.

Sec. 604. RCW 41.05.011 and 1998 c 341 s 706 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) Employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205; (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; and (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(9) "Benefits contribution plan" means a premium only contribution plan, a medical flexible spending arrangement, or a cafeteria plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(12) "Plan year" means the time period established by the authority.

(13) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(11) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(40) (~~or~~), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

"FUND INVESTMENTS AND INTEREST EARNINGS"

Sec. 701. RCW 43.33A.190 and 1998 c 341 s 707 are each amended to read as follows:

Pursuant to RCW 41.34.130, the state investment board shall invest all self-directed investment moneys under teachers' retirement system plan 3 (~~and~~), the school employees' retirement system plan 3, and the public employees' retirement system plan 3 with full power to establish investment policy, develop investment options, and manage self-directed investment funds.

Sec. 702. RCW 43.84.092 and 1999 c 380 s 9, 1999 c 309 s 929, 1999 c 268 s 5, and 1999 c 94 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is

required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal ((~~account~~) fund, the volunteer fire fighters' ((~~relief and pension~~)) and reserve officers' administrative ((~~account~~) fund, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation

improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

'LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2'

Sec. 801. RCW 41.26.450 and 1996 c 38 s 3 are each amended to read as follows:

~~((1) The required contribution rates to the plan II system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates.~~

~~(2) Except as provided in subsection (3) of this section, the member, the employer and the state shall each contribute the following shares of the cost of the retirement system:~~

~~Member — 50%~~

~~Employer — 30%~~

~~State — 20%~~

~~(3)) Port districts established under Title 53 RCW and institutions of higher education as defined in RCW 28B.10.016 shall contribute both the employer and state shares of the cost of the retirement system for any of their employees who are law enforcement officers. Institutions of higher education shall contribute both the employer and the state shares of the cost of the retirement system for any of their employees who are fire fighters.~~

~~((4) Effective January 1, 1987, however, no member or employer contributions are required for any calendar month in which the member is not granted service credit.~~

~~(5) Any adjustments in contribution rates required from time to time for future costs shall likewise be shared proportionally by the members, employers, and the state.~~

~~(6) Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.~~

~~(7) The director shall notify all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.~~

~~(8) Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends. The state's contribution required by this section shall be transferred to the plan II fund from the total contributions transferred by the state treasurer under RCW 41.45.060 and 41.45.070.)~~

'EARLY RETIREMENT REDUCTION FACTORS'

Sec. 901. RCW 41.40.630 and 1991 c 343 s 11 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

Sec. 902. RCW 41.32.765 and 1991 c 343 s 5 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years of service who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years of service who has attained at least age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.760, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

Sec. 903. RCW 41.32.875 and 1996 c 39 s 6 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age fifty-four; or

(c) Completed five service credit years by July 1, 1996, under plan 2 and who transferred to plan 3 under RCW 41.32.817;
shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.32.840, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

Sec. 904. RCW 41.26.430 and 1993 c 517 s 3 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years of service who has attained at least age ~~((fifty-five))~~ fifty-three shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.26.420.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years of service and has attained age fifty shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.26.420, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age ~~((fifty-five))~~ fifty-three.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least twenty service credit years and has attained age fifty shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.26.420, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age fifty-three.

Sec. 905. RCW 41.35.420 and 1998 c 341 s 103 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member with at least five service credit years who has attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400.

(2) EARLY RETIREMENT. Any member who has completed at least twenty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.400, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

Sec. 906. RCW 41.35.680 and 1998 c 341 s 209 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or
(b) Completed five service credit years, including twelve service credit months after attaining age fifty-four; or

(c) Completed five service credit years by September 1, 2000, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.35.510; shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

"DEATH BENEFITS"

Sec. 1001. RCW 41.26.510 and 1995 c 245 s 1 and 1995 c 144 s 19 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and

filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.26.430(~~((+))~~), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.26.460 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.26.430(~~((+))~~); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b)(i) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(ii) If the member dies on or after July 25, 1993, one hundred fifty percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 1002. RCW 41.32.805 and 1995 c 144 s 16 are each amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, at the time of such member's death shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.32.765(~~((+))~~), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.32.785 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.32.765(~~((+))~~); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

Sec. 1003. RCW 41.32.895 and 1996 c 39 s 7 are each amended to read as follows:

If a member dies prior to retirement, the surviving spouse or eligible child or children shall receive a retirement allowance computed as provided in RCW 41.32.851 actuarially reduced to reflect a joint and one hundred percent survivor option and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.32.875(~~((+))~~).

If the surviving spouse who is receiving the retirement allowance dies leaving a child or children under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority.

If there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance, share and share alike. The allowance shall be calculated with the assumption that the age of the spouse and member were equal at the time of the member's death.

Sec. 1004. RCW 41.40.700 and 1995 c 144 s 8 are each amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.40.630(~~(+)~~), actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.40.660 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.40.630(~~(2)~~); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, estate, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

"CONFORMING AMENDMENTS"

Sec. 1101. RCW 41.04.440 and 1995 c 239 s 322 are each amended to read as follows:

(1) The sole purpose of RCW 41.04.445 and 41.04.450 is to allow the members of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, and 43.43 RCW to enjoy the tax deferral benefits allowed under 26 U.S.C. 414(h). Chapter 227, Laws of 1984 does not alter in any manner the provisions of RCW (~~41.26.450 and 41.40.650~~) 41.45.060, 41.45.061, and section 507 of this act which require that the member contribution rates shall be set so as to provide fifty percent of the cost of the respective retirement plans.

(2) Should the legislature revoke any benefit allowed under 26 U.S.C. 414(h), no affected employee shall be entitled thereafter to receive such benefit as a matter of contractual right.

Sec. 1102. RCW 41.04.445 and 1995 c 239 s 323 are each amended to read as follows:

(1) This section applies to all members who are:

(a) Judges under the retirement system established under chapter 2.10, 2.12, or 2.14 RCW;

(b) Employees of the state under the retirement system established by chapter 41.32, 41.40, or 43.43 RCW;

(c) Employees of school districts under the retirement system established by chapter 41.32 or 41.40 RCW, except for substitute teachers as defined by RCW 41.32.010;

(d) Employees of educational service districts under the retirement system established by chapter 41.32 or 41.40 RCW; or

(e) Employees of community college districts under the retirement system established by chapter 41.32 or 41.40 RCW.

(2) Only for compensation earned after the effective date of the implementation of this section and as provided by section 414(h) of the federal internal revenue code, the employer of all the members specified in subsection (1) of this section shall pick up only those member contributions as required under:

(a) RCW 2.10.090(1);

(b) RCW 2.12.060;

- (c) RCW 2.14.090;
- (d) RCW 41.32.263;
- (e) RCW 41.32.350;
- (f) RCW 41.40.330 (1) and (3);
- (g) RCW ((~~41.40.650~~) 41.45.061 and section 507 of this act;
- (h) RCW 41.34.070;
- (i) RCW 43.43.300; and
- (j) RCW 41.34.040.

(3) Only for the purposes of federal income taxation, the gross income of the member shall be reduced by the amount of the contribution to the respective retirement system picked up by the employer.

(4) All member contributions to the respective retirement system picked up by the employer as provided by this section, plus the accrued interest earned thereon, shall be paid to the member upon the withdrawal of funds or lump-sum payment of accumulated contributions as provided under the provisions of the retirement systems.

(5) At least forty-five days prior to implementing this section, the employer shall provide:

- (a) A complete explanation of the effects of this section to all members; and
- (b) Notification of such implementation to the director of the department of retirement systems.

Sec. 1103. RCW 41.04.450 and 1995 c 239 s 324 are each amended to read as follows:

(1) Employers of those members under chapters 41.26, 41.40, and 41.34 RCW who are not specified in RCW 41.04.445 may choose to implement the employer pick up of all member contributions without exception under RCW 41.26.080(1), 41.26.450, 41.40.330(1), ((~~41.40.650~~)) 41.45.060, 41.45.061, and section 507 of this act and chapter 41.34 RCW. If the employer does so choose, the employer and members shall be subject to the conditions and limitations of RCW 41.04.445 (3), (4), and (5) and RCW 41.04.455.

(2) An employer exercising the option under this section may later choose to withdraw from and/or reestablish the employer pick up of member contributions only once in a calendar year following forty-five days prior notice to the director of the department of retirement systems.

Sec. 1104. RCW 41.26.470 and 1999 c 135 s 1 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the director shall be eligible to receive an allowance under the provisions of RCW 41.26.410 through 41.26.550. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.26.420 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-five.

(2) Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is no longer entitled to benefits under Title 51 RCW, the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the member at the time of retirement or, if unable to perform the duties of the rank, then, at the member's request, in such other like or lesser rank as may be or become open and available, the duties of which the member is then able to perform. In no event shall a member previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the member at the date of the retirement for disability. If the department determines that the member is able to return to service, the member is entitled to notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(3) Those members subject to this chapter who became disabled in the line of duty on or after July 23, 1989, and who receive benefits under RCW 41.04.500 through 41.04.530 or similar benefits under RCW 41.04.535 shall receive or continue to receive service credit subject to the following:

- (a) No member may receive more than one month's service credit in a calendar month.

(b) No service credit under this section may be allowed after a member separates or is separated without leave of absence.

(c) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.

(d) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.

(e) State contributions shall be as provided in RCW (~~41.26.450~~) 41.45.060 and section 507 of this act.

(f) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred.

(g) The service and compensation credit under this section shall be granted for a period not to exceed six consecutive months.

(h) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right.

(4)(a) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the recipient has nominated by written designation duly executed and filed with the director, or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse, or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he or she shall be paid the excess, if any, of the accumulated contributions at the time of retirement over all payments made on his or her behalf under this chapter.

Sec. 1105. RCW 41.26.520 and 1996 c 61 s 1 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.26.410 through 41.26.550.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The basic salary reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection (6) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes the employer, member, and state contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner.

(4) If a member fails to meet the time limitations of subsection (3) of this section, the member may receive a maximum of two years of service credit during a member's working career for those periods when a member is on unpaid leave of absence authorized by an employer. This may be done by paying the amount required under RCW 41.50.165(2) prior to retirement.

(5) For the purpose of subsection (3) of this section the contribution shall not include the contribution for the unfunded supplemental present value as required by RCW ~~((41.26.450))~~ 41.45.060, 41.45.061, and section 507 of this act. The contributions required shall be based on the average of the member's basic salary at both the time the authorized leave of absence was granted and the time the member resumed employment.

(6) A member who leaves the employ of an employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to five years of military service. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces; and

(ii) The member makes the employee contributions required under RCW ~~((41.26.450))~~ 41.45.060, 41.45.061, and section 507 of this act within five years of resumption of service or prior to retirement, whichever comes sooner; or

(iii) Prior to retirement and not within ninety days of the member's honorable discharge or five years of resumption of service the member pays the amount required under RCW 41.50.165(2).

(b) Upon receipt of member contributions under (a)(ii) of this subsection, the department shall establish the member's service credit and shall bill the employer and the state for their respective contributions required under RCW 41.26.450 for the period of military service, plus interest as determined by the department.

(c) The contributions required under (a)(ii) of this subsection shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

(7) A member receiving benefits under Title 51 RCW who is not receiving benefits under this chapter shall be deemed to be on unpaid, authorized leave of absence.

Sec. 1106. RCW 41.40.710 and 1996 c 61 s 4 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.40.610 through 41.40.740.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The compensation earnable reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection (4) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if:

(a) The member makes both the plan 2 employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner; or

(b) If not within five years of resumption of service but prior to retirement, pay the amount required under RCW 41.50.165(2).

The contributions required under (a) of this subsection shall be based on the average of the member's compensation earnable at both the time the authorized leave of absence was granted and the time the member resumed employment.

(4) A member who leaves the employ of an employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to five years of military service. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces; and

(ii) The member makes the employee contributions required under RCW ~~((41.40.650))~~ 41.45.061 and section 507 of this act within five years of resumption of service or prior to retirement, whichever comes sooner; or

(iii) Prior to retirement and not within ninety days of the member's honorable discharge or five years of resumption of service the member pays the amount required under RCW 41.50.165(2).

(b) Upon receipt of member contributions under (a)(ii) of this subsection, the department shall establish the member's service credit and shall bill the employer for its contribution required under RCW ~~((41.40.650))~~ 41.45.060, 41.45.061, and section 507 of this act for the period of military service, plus interest as determined by the department.

(c) The contributions required under (a)(ii) of this subsection shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

NEW SECTION. Sec. 1107. A new section is added to chapter 41.50 RCW to read as follows:

Employers, as defined in RCW 41.26.030, 41.32.010, 41.34.020, 41.35.010, and 41.40.010, must report all member data to the department in a format designed and communicated by the department. Employers failing to comply with this reporting requirement shall be assessed an additional fee as defined under RCW 41.50.110(5).

"MISCELLANEOUS"

NEW SECTION. Sec. 1201. (1) Except for sections 408 and 901 through 906 of this act, this act takes effect March 1, 2002.

(2) Section 408 of this act takes effect January 1, 2004.

(3) Sections 901 through 906 of this act take effect September 1, 2000.

NEW SECTION. Sec. 1202. Subchapter headings in this act are not any part of the law."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 41.40.005, 41.40.010, 41.40.042, 41.40.054, 41.40.057, 41.40.062, 41.40.088, 41.40.092, 41.40.610, 41.34.020, 41.34.030, 41.34.040, 41.34.060, 41.34.080, 41.34.100, 41.31A.010, 41.31A.020, 41.45.010, 41.45.050, 41.45.061, 41.50.075, 41.50.500, 41.05.011, 43.33A.190, 41.26.450, 41.40.630, 41.32.765, 41.32.875, 41.26.430, 41.35.420, 41.35.680, 41.32.805, 41.32.895, 41.40.700, 41.04.440, 41.04.445, 41.04.450, 41.26.470, 41.26.520, and 41.40.710; reenacting and amending RCW 41.45.020, 41.45.060, 41.45.070, 41.50.088, 43.84.092, and 41.26.510; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.31A RCW; adding a new section to chapter 41.45 RCW; adding a new section to chapter 41.50 RCW; creating new sections; decodifying RCW 41.40.094; repealing RCW 41.40.650; and providing effective dates."

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi;

Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

There being no objection, Engrossed Substitute Senate Bill No. 6530 was placed on Second Reading.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 6530, by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Long, Snyder, Franklin, Bauer, Honeyford, Jacobsen, Fairley, Haugen, Roach, Zarelli, Rasmussen, Goings, McAuliffe, Patterson, Eide, Winsley, Hale, Costa, Kohl-Welles, Stevens, B. Sheldon, Gardner and Spanel; by request of Joint Committee on Pension Policy)

Pertaining to plans 2 and 3 of the state retirement systems.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Sommers, Alexander, Conway, Delvin, Lambert, Cooper and Carlson spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6530, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6530, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute Senate Bill No. 6530, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2000

Mr. Speaker:

The Senate concurred in the House amendment(s) to SENATE BILL NO. 6775 on page 2, line 27, page 4, line 33, and page 6, line 13, and passed the bill with said amendments, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and the Rules Committee was relieved of House Bill No. 3128, and the bill was placed on Second Reading.

SECOND READING

HOUSE BILL NO. 3128, by Representatives Thomas, Dunshee and Santos; by request of Department of Revenue

Authorizing the governor to enter into cooperative agreements concerning the sales of cigarettes.

The bill was read the second time. There being no objection, Substitute House Bill No. 3128 was substituted for House Bill No. 3128 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 3128 was read the second time.

Representative Dunshee moved the adoption of the following amendment (689):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to further the government-to-government relationship between the state of Washington and Indians in the state of Washington by authorizing the governor to enter into cooperative agreements concerning the sale of cigarettes. The legislature finds that these agreements will provide a means to promote economic development, provide needed revenues for tribal governments and Indian persons, and enhance enforcement of the state's cigarette tax law, ultimately saving the state money and reducing conflict.

NEW SECTION. Sec. 2. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may enter into cooperative agreements concerning the sale of cigarettes. All cooperative agreements shall meet the requirements for cooperative agreements under this section. Except for cooperative agreements under section 3 of this act, the rates, revenue sharing, and exemption terms of a cooperative agreement are not effective unless authorized in a bill enacted by the legislature.

(2) Cooperative agreements shall be in regard to retail sales in which Indian retailers make delivery and physical transfer of possession of the cigarettes from the seller to the buyer within the Indian lands. In addition, cooperative agreements shall provide that retailers shall not sell or give, or permit to be sold or given, cigarettes to any person under the age of eighteen years.

(3) A cooperative agreement with a tribe shall provide for a tribal cigarette tax in lieu of all state cigarette taxes and state and local sales and use taxes on sales of cigarettes on Indian lands by Indian retailers. The tribe may allow an exemption for sales to tribal members.

(4) Cooperative agreements shall provide that all cigarettes possessed or sold by a retailer shall bear a cigarette stamp obtained by wholesalers from a bank or other suitable stamp vendor and applied to the cigarettes.

(5) Cooperative agreements shall provide that retailers shall purchase cigarettes only from:

(a) Wholesalers or manufacturers licensed to do business in the state of Washington;

(b) Out-of-state wholesalers or manufacturers who, although not licensed to do business in the state of Washington, agree to comply with the terms of the cooperative agreement, are certified to the state as having so agreed, and who do in fact so comply. However, the state may in its sole discretion exercise its administrative and enforcement powers over such wholesalers or manufacturers to the extent permitted by law;

(c) A tribal wholesaler that purchases only from a wholesaler or manufacturer described in (a), (b), or (d) of this subsection; and

(d) A tribal manufacturer.

(6) Cooperative agreements shall be for renewable periods of no more than eight years. A renewal may not include a renewal of the phase-in period.

(7) Cooperative agreements shall include provisions for compliance.

(8) Tax revenue retained by a tribe must be used for essential government services. Use of tax revenue for subsidization of cigarette and food retailers is prohibited.

(9) Cooperative agreements may provide for the submission of disputes regarding the interpretation and administration of their provisions for judicial resolution, and, if such submissions are agreed, shall include provision for a limited waiver of sovereign immunity and consent by the state for the resolution conditioned upon a similar limited waiver of sovereign immunity by the other parties to the agreement.

(10) The governor may delegate the power to negotiate cooperative agreements to the department of revenue.

(11) Information received by the state or open to state review under the terms of an agreement is subject to the provisions of RCW 82.32.330.

(12) For purposes of this section and sections 3 through 6 of this act:

(a) "Essential government services" means services such as tribal administration, public facilities, fire, police, public health, education, job services, sewer, water, environmental and land use, transportation, utility services, and economic development;

(b) "Indian lands" means all land within the exterior boundaries of a reservation and land held in trust for a tribe or Indian person by the United States;

(c) "Indian retailer" or "retailer" means (i) a retailer wholly owned and operated by an Indian tribe, (ii) a business wholly owned and operated by a tribal member and licensed by the tribe, or (iii) a business owned and operated by the Indian person or persons in whose name the land is held in trust; and

(d) "Indian tribe" or "tribe" means a federally recognized Indian tribe located within the geographical boundaries of the state of Washington.

NEW SECTION. Sec. 3. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor is authorized to enter into cooperative agreements with the Squaxin Island Tribe, the Nisqually Tribe, Tulalip Tribes, and the Muckleshoot Indian Tribe. Each agreement adopted under this section shall provide that the tribal cigarette tax rate be one hundred percent of the state cigarette and state and local sales and use taxes within three years of enacting the tribal tax and shall be set no lower than eighty percent of the state cigarette and state and local sales and use taxes during the three-year phase-in period. The three-year phase-in period shall be shortened by three months each quarter the number of cartons of nontribal manufactured cigarettes is ten percent or more than the quarterly average number of cartons of nontribal manufactured cigarettes from the six-month period preceding the imposition of the tribal tax under the agreement. Sales at a retailer operation not in existence as of the date a tribal tax under this section is imposed are subject to the full rate of the tribal tax under the agreement. The tribal cigarette tax is in lieu of the state cigarette and state and local sales and use taxes, as provided in section 2(3) of this act.

(2) A cooperative agreement under this section is subject to section 2 of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 82.08 RCW to read as follows:
The tax levied by RCW 82.08.020 does not apply to sales of cigarettes by an Indian retailer during the effective period of a cooperative agreement subject to section 2 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 82.12 RCW to read as follows:
The provisions of this chapter shall not apply in respect to the use of cigarettes sold by an Indian retailer during the effective period of a cooperative agreement subject to section 2 of this act.

NEW SECTION. **Sec. 6.** A new section is added to chapter 82.24 RCW to read as follows:
(1) This chapter does not apply to the sale, use, consumption, handling, possession, or distribution of cigarettes by an Indian retailer during the effective period of a cooperative agreement subject to section 2 of this act.

(2) Effective July 1, 2001, wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps required under this chapter a sum computed at the rate of six dollars per one thousand stamps purchased or affixed by them.

NEW SECTION. **Sec. 7.** RCW 82.24.070 (Compensation of dealers), as now or hereafter amended, and 1987 c 496 s 5, 1987 c 80 s 2, 1971 ex.s. c 299 s 14, 1965 ex.s. c 173 s 24, 1961 ex.s. c 24 s 4, & 1961 c 15 s 82.24.070 are each repealed.

NEW SECTION. **Sec. 8.** Section 7 of this act takes effect July 1, 2001."

Correct the title.

Representative Kastama moved the adoption of the following amendment (692) to amendment (689):

On page 3, after line 36 of the amendment, insert the following:

"(3) The governor shall negotiate with federally recognized tribes indigenous to western Washington with populations in excess of two thousand people and report to the legislature by December 1, 2000."

Representatives Kastama and Kastama (again) spoke in favor of the adoption of the amendment to the amendment.

Representatives Huff, Dunshee and Thomas spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representatives Dunshee and Huff spoke in favor of the adoption of the amendment (689).

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Huff and Thomas spoke in favor of passage of the bill.

Representatives Conway and Pennington spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 3128.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3128 and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Cox, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pflug, Quall, Radcliff, Reardon, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 85.

Voting nay: Representatives Constantine, Conway, Cooper, DeBolt, Edmonds, Kastama, Linville, Murray, Pennington, Poulsen, Regala, Romero and Veloria - 13.

Engrossed Substitute House Bill No. 3128, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2000

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6194,

SECOND SUBSTITUTE SENATE BILL NO. 6255,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6277,

SUBSTITUTE SENATE BILL NO. 6621,

SUBSTITUTE SENATE BILL NO. 6781,

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKERS

The Speakers have signed:

SUBSTITUTE SENATE BILL NO. 6194,

SECOND SUBSTITUTE SENATE BILL NO. 6255,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6277,
SUBSTITUTE SENATE BILL NO. 6621,
SUBSTITUTE SENATE BILL NO. 6781,
ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8425,

MOTION FOR RECONSIDERATION

Representative Fisher, having voted on the prevailing side, moved that the House immediately reconsider the vote on Engrossed Substitute House Bill No. 3128. The motion was carried.

RECONSIDERATION

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 3128 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3128 on reconsideration and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Cox, Crouse, Delvin, Dickerson, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Quall, Radcliff, Reardon, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 84.

Voting nay: Representatives Constantine, Conway, Cooper, DeBolt, Doumit, Edmonds, Fisher, Kastama, Lantz, Pennington, Poulsen, Regala, Romero and Veloria - 14.

Engrossed Substitute House Bill No. 3128, on reconsideration having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended and the Rules Committee was relieved of Substitute Senate Bill No. 6525, and the bill was placed on Second Reading.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6525, by Senate Committee on Environmental Quality & Water Resources (originally sponsored by Senators Fraser, Swecker, Jacobsen, Eide, McAuliffe and Gardner)

Prioritizing the processing of applications for water rights changes and transfers.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Agriculture & Ecology was not adopted. (For committee amendment(s), see Journal, 47th Day, February 25, 2000.)

Representative G. Chandler moved the adoption of the following amendment (693):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In order to help reduce the current backlog of applications for changes, transfers, or amendments of existing water rights, the legislature intends to allow the processing of applications for such changes, transfers, or amendments without regard to possible impairment of pending applications for new water rights. While the legislature intends to assist the processing of such changes, transfers, and amendments, it does not intend to divert the department of ecology's efforts or in any other way deter the processing of applications for new water rights.

NEW SECTION. Sec. 2. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department may process and render decisions on an application for change independently from processing and making decisions on pending applications for new water rights from the same water source without regard to the dates on which the applications for the new rights were filed.

(2) Except as provided in this section, the department and a water conservancy board shall process applications for change from the same water source in the order in which they were filed with the department or the board. The exceptions are:

(a) The proposed change would alleviate a public health and safety emergency or otherwise preserve public health and safety or would authorize an emergency withdrawal under RCW 43.83B.410;

(b) There is insufficient information to render a decision on a senior application or applications for change, and the information cannot be obtained in a timely manner;

(c) The proposed change was filed by a claimant in a water rights adjudication, and a decision is needed expeditiously to ensure that orders or decrees of the superior court will be representative of the current water situation;

(d) The proposed change will move a point of diversion or withdrawal, or replace a diversion with a withdrawal, or replace a withdrawal with a diversion, or change the season of use, when it assists in the recovery of fish listed under the federal endangered species act as threatened or endangered;

(e) The proposed change or group of changes will result in providing public water supplies for at least one city and one town or at least two cities and will meet the general needs of the public for a regional area; or

(f) The proposed change is for the purposes of RCW 90.03.390.

(3) The department, any other state agency, or a water conservancy board shall not require an applicant to give any part of an applicant's valid right or claim to a state agency, to the trust water rights program, or to other parties.

(4) The department may adopt rules to implement this section, but such rules must strictly adhere to the provisions of this section.

(5) Pending applications for new water rights are not entitled to protection from impairment or given priority for any available water if the department or a water conservancy board processes an application for change from the same water source. New water rights issued after an application for change is approved from the same water source are not entitled to protection from impairment or priority for any available water in relation to the changed, transferred, or amended water right regardless of the dates on which the applications were filed with the department or the board.

(6) Notice of an application for a change of a water right must be published for the same period and in the same manner as prescribed for an application for a permit by RCW 90.03.280 in the county or counties in which water for the right is withdrawn or diverted and used, although the department may also post notice of the application on the internet at an electronic site containing other departmental information. The department or water conservancy board shall consider all comments received in writing by mail or personal delivery that are received within thirty days of the date of the last newspaper publication of the notice required under RCW 90.03.280.

(7) As used in this section:

(a) "Change of a water right" or "change" means a change or transfer of a water right referred to in RCW 90.03.380 or 90.03.390 or an amendment referred to in RCW 90.44.100 or 90.44.105; and
(b) "Water conservancy board" or "board" means a water conservancy board created under chapter 90.80 RCW."

Correct the title.

Representatives G. Chandler and Linville spoke in favor of the adoption of the amendment.

Representatives Dunshee, Regala and Veloria spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives G. Chandler and Linville spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6525, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6525, as amended by the House, and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Esser, Fortunato, Grant, Haigh, Hankins, Hatfield, Huff, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Parlette, Pennington, Pflug, Quall, Radcliff, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Scott, Skinner, D. Sommers, H. Sommers, Sump, Talcott, Thomas, Tokuda, Van Luven, Wensman, Woods and Mr. Speaker Ballard - 67.

Voting nay: Representatives Anderson, Carlson, Cody, Constantine, Conway, Cooper, Dickerson, Dunshee, Edmonds, Ericksen, Fisher, Gombosky, Hurst, Kagi, Kastama, Keiser, Kenney, McIntire, Murray, Ogden, Poulsen, Reardon, Regala, Romero, Schual-Berke, Stensen, Sullivan, Veloria, Wolfe, Wood and Mr. Speaker Chopp - 31.

Substitute Senate Bill No. 6525, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 6525 as amended by the House.

DOUG ERICKSEN, 42nd District

There being no objection, the rules were suspended, the Committee on Education was relieved of House Bill No. 2760 and the bill was placed on Second Reading.

SECOND READING

HOUSE BILL NO. 2760, by Representatives Quall, Carlson, Lovick, Constantine, Regala, Haigh, Tokuda, Linville, Keiser, Stensen, Conway, Wood, Morris, Kenney and Ogden; by request of Governor Locke

Promoting standards for educator quality.

The bill was read the second time.

Representative Quall moved the adoption of the following amendment (691):

Strike everything after the enacting clause and insert the following:

**'PART 1
PROFESSIONAL EDUCATOR STANDARDS BOARD**

NEW SECTION. **Sec. 101.** INTENT. The legislature finds and declares:

- (1) Creation of a public body whose focus is educator quality would be likely to bring greater focus and attention to the profession;
- (2) Professional educator standards boards are consumer protection boards, establishing assessment policies to ensure the public that its new practitioners have the knowledge to be competent;
- (3) The highest possible standards for all educators are essential in ensuring attainment of high academic standards by all students;
- (4) Teacher assessment for certification can guard against admission to the teaching profession of persons who have not demonstrated that they are knowledgeable in the subjects they will be assigned to teach; and
- (5) Teacher assessment for certification should be implemented as an additional element to the system of teacher preparation and certification.

NEW SECTION. **Sec. 102.** A new section is added to chapter 28A.410 RCW to read as follows:

WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD. (1) The Washington professional educator standards board is created, consisting of nineteen members to be appointed by the governor to four-year terms and the superintendent of public instruction, who shall be an ex officio, nonvoting member. No person may serve as a member of the board for more than two consecutive full terms. The governor shall annually appoint the chair of the board from among the teachers and principals on the board. No board member may serve as chair for more than two consecutive years.

(2) Seven of the members shall be public school teachers, one shall be a private school teacher, three shall represent higher education educator preparation programs, four shall be school administrators, two shall be educational staff associates, one shall be a parent, and one shall be a member of the public.

(3) Public school teachers appointed to the board must:

- (a) Have at least three years of teaching experience in a Washington public school;
- (b) Be currently certificated and actively employed in a teaching position; and
- (c) Include one teacher currently teaching at the elementary school level, one at the middle school level, one at the high school level, and one vocationally certificated.

(4) Private school teachers appointed to the board must:

- (a) Have at least three years of teaching experience in a Washington approved private school; and
- (b) Be currently certificated and actively employed in a teaching position in an approved private school.

(5) Appointees from higher education educator preparation programs must include two representatives from institutions of higher education as defined in RCW 28B.10.016 and one representative from an institution of higher education as defined in RCW 28B.07.020(4).

(6) School administrators appointed to the board must:

- (a) Have at least three years of administrative experience in a Washington public school district;
 - (b) Be currently certificated and actively employed in a school administrator position; and
 - (c) Include two public school principals, one Washington approved private school principal, and one superintendent.
- (7) Educational staff associates appointed to the board must:
- (a) Have at least three years of educational staff associate experience in a Washington public school district; and
 - (b) Be currently certificated and actively employed in an educational staff associate position.
- (8) Each major caucus of the house of representatives and the senate shall submit a list of at least one public school teacher. In making the public school teacher appointments, the governor shall select one nominee from each list provided by each caucus. The governor shall appoint the remaining members of the board from a list of qualified nominees submitted to the governor by organizations representative of the constituencies of the board, from applications from other qualified individuals, or from both nominees and applicants.
- (9) All appointments to the board made by the governor shall be subject to confirmation by the senate.
- (10) The governor shall appoint the members of the initial board no later than June 1, 2000.
- (11) In appointing board members, the governor shall consider the diversity of the population of the state.
- (12) Each member of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.
- (13) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.
- (14) If a vacancy occurs on the board, the governor shall appoint a replacement member from the nominees as specified in subsection (8) of this section to fill the remainder of the unexpired term. When filling a vacancy of a member nominated by a major caucus of the legislature, the governor shall select the new member from a list of at least one name submitted by the same caucus that provided the list from which the retiring member was appointed.
- (15) Members of the board shall hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes only.

NEW SECTION. **Sec. 103.** A new section is added to chapter 28A.410 RCW to read as follows:

POWERS AND DUTIES OF THE BOARD. The Washington professional educator standards board shall:

- (1) Serve as an advisory body to the superintendent of public instruction and as the sole advisory body to the state board of education on issues related to educator recruitment, hiring, preparation, certification including high quality alternative routes to certification, mentoring and support, professional growth, retention, governance, prospective teacher pedagogy assessment, prospective principal assessment, educator evaluation including but not limited to peer evaluation, and revocation and suspension of licensure;
- (2) Submit annual reports and recommendations, beginning December 1, 2000, to the governor, the education and fiscal committees of the legislature, the state board of education, and the superintendent of public instruction concerning duties and activities within the board's advisory capacity. The Washington professional educator standards board shall submit a separate report by December 1, 2000, to the governor, the education and fiscal committees of the legislature, the state board of education, and the superintendent of public instruction providing recommendations for at least two high quality alternative routes to teacher certification. In its deliberations, the board shall consider

at least one route that permits persons with substantial subject matter expertise to achieve residency certification through an on-the-job training program provided by a school district; and

(3) Establish the prospective teacher assessment system for basic skills and subject knowledge that shall be required to obtain residency certification pursuant to sections 201 through 203 of this act.

PART 2 TEACHER ASSESSMENT

NEW SECTION. **Sec. 201.** A new section is added to chapter 28A.410 RCW to read as follows:

(1)(a) Beginning not later than September 1, 2001, the Washington professional educator standards board shall make available and pilot a means of assessing an applicant's knowledge in the basic skills. For the purposes of this section, "basic skills" means the subjects of at least reading, writing, and mathematics. Beginning September 1, 2002, except as provided in (c) of this subsection and subsection (3) of this section, passing this assessment shall be required for admission to approved teacher preparation programs and for persons from out-of-state applying for a Washington state residency teaching certificate.

(b) On an individual student basis, approved teacher preparation programs may admit into their programs a candidate who has not achieved the minimum basic skills assessment score established by the Washington professional educator standards board. Individuals so admitted may not receive residency certification without passing the basic skills assessment under this section.

(c) The Washington professional educator standards board may establish criteria to ensure that persons from out-of-state who are applying for residency certification and persons applying to master's degree level teacher preparation programs can demonstrate to the board's satisfaction that they have the requisite basic skills based upon having completed another basic skills assessment acceptable to the Washington professional educator standards board or by some other alternative approved by the Washington professional educator standards board.

(2) Beginning not later than September 1, 2002, the Washington professional educator standards board shall provide for the initial piloting and implementation of a means of assessing an applicant's knowledge in the subjects for which the applicant has applied for an endorsement to his or her residency or professional teaching certificate. The assessment of subject knowledge shall not include instructional methodology. Beginning September 1, 2003, passing this assessment shall be required to receive an endorsement for certification purposes.

(3) The Washington professional educator standards board may permit exceptions from the assessment requirements under subsections (1) and (2) of this section on a case-by-case basis.

(4) The Washington professional educator standards board shall provide for reasonable accommodations for individuals who are required to take the assessments in subsection (1) or (2) of this section if the individuals have learning or other disabilities.

(5) With the exception of applicants exempt from the requirements of subsections (1) and (2) of this section, an applicant must achieve a minimum assessment score or scores established by the Washington professional educator standards board on each of the assessments under subsections (1) and (2) of this section.

(6) The Washington professional educator standards board and superintendent of public instruction, as determined by the Washington professional educator standards board, may contract with one or more third parties for:

(a) The development, purchase, administration, scoring, and reporting of scores of the assessments established by the Washington professional educator standards board under subsections (1) and (2) of this section;

(b) Related clerical and administrative activities; or

(c) Any combination of the purposes in this subsection.

(7) Applicants for admission to a Washington teacher preparation program and applicants for residency and professional certificates who are required to successfully complete one or more of the assessments under subsections (1) and (2) of this section, and who are charged a fee for the assessment by a third party contracted with under subsection (6) of this section, shall pay the fee charged by the

contractor directly to the contractor. Such fees shall be reasonably related to the actual costs of the contractor in providing the assessment.

(8) The superintendent of public instruction is responsible for supervision and providing support services to administer this section.

(9) The Washington professional educator standards board shall collaboratively select or develop and implement the assessments and minimum assessment scores required under this section with the superintendent of public instruction and shall provide opportunities for representatives of other interested educational organizations to participate in the selection or development and implementation of such assessments in a manner deemed appropriate by the Washington professional educator standards board.

(10) The Washington professional educator standards board shall adopt rules under chapter 34.05 RCW that are reasonably necessary for the effective and efficient implementation of this section.

(11) On September 1, 2003, all duties relating to teacher assessments as provided in this section are transferred to the superintendent of public instruction.

NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.410 RCW to read as follows:

The Washington professional educator standards board shall report the proposed assessments to the legislative education committees for review and comment prior to implementing the assessments by contractual agreement with the selected vendor or vendors.

NEW SECTION. **Sec. 203.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) By December 1, 2003, and annually thereafter, the Washington professional educator standards board shall prepare a report that includes the following information:

(a) The range of scores on the basic skills assessment under section 201(1) of this act for persons who passed the assessment and were admitted to a Washington preparation program; and

(b) The range of scores on the subject assessments under section 201(2) of this act for persons who passed the assessments and earned an endorsement.

(2) The information under subsection (1) of this section shall be reported for the individual public and private colleges and universities in Washington, as well as reported on an aggregate basis. The report shall also include results disaggregated demographically. The report shall include information on the number and percentage of candidates exempted from assessments, demographic information on candidates exempted, institutions attended and endorsements sought by exempted candidates, and reasons for exclusion from the required assessments. The report shall be made available through the state library, on the website of the office of superintendent of public instruction, and placed on the legislative alert list.

NEW SECTION. **Sec. 204.** By January 1, 2001, the partnership for excellence in teaching shall report to the governor, the education and fiscal committees of the legislature, the state board of education, and the superintendent of public instruction on its findings and recommendations concerning the governance of educator certification, licensure, and preparation issues and the scope of authority of the Washington professional educator standards board for the issues listed in section 103(1) of this act.

NEW SECTION. **Sec. 205.** RCW 28A.410.020 (Requirements for admission to teacher preparation programs--Rules) and 1996 c 309 s 1, 1991 c 116 s 20, 1988 c 251 s 4, & 1987 c 525 s 202, as now or hereafter amended, are each repealed, effective September 1, 2002.

PART 3 MISCELLANEOUS

NEW SECTION. **Sec. 301.** PART HEADINGS AND SECTION CAPTIONS NOT LAW. Part headings and section captions used in this act are not any part of the law."

Correct the title.

Representative Talcott moved the adoption of the following amendment (698) to the amendment:

On page 6, line 31, strike subsection (11)

Representative Talcott spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Talcott moved the adoption of the following amendment (694) to the amendment:

On page 7, line 25, strike "partnership for excellence in teaching" and insert "Washington state institute for public policy"

Representative Talcott spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representatives Quall, Talcott and Rockefeller spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cox spoke in favor of passage of the bill.

Representative Schindler spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed House Bill No. 2760.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2760, and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Morris, Murray, O'Brien, Ogden, Pennington, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 88.

Voting nay: Representatives Benson, Crouse, Esser, Koster, Mitchell, Mulliken, Parlette, Pflug, Schindler and Thomas - 10.

Engrossed House Bill No. 2760, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

March 9, 2000

Mr. Speaker:

The Senate receded from the striking amendment(s) by the Transportation Committee to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675, adopted as amended on March 1, 2000. Under Suspension of Rules, the bill was returned to Second Reading for purpose of amendment(s). The Senate adopted amendment(s) #287, and passed the bill with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that fewer than five percent of all drivers use child booster seats for children over the age of four years. The legislature also recognizes that seventy-one percent of deaths resulting from car accidents could be eliminated if every child under the age of sixteen used an appropriate child safety seat, booster seat, or seat belt. The legislature further recognizes the National Transportation Safety Board's recommendations that promote the use of booster seats to increase the safety of children under eight years of age. Therefore, it is the legislature's intent to decrease deaths and injuries to children by promoting safety education and injury prevention measures, as well as increasing public awareness on ways to maximize the protection of children in vehicles.

Sec. 2. RCW 46.61.687 and 1994 c 100 s 1 are each amended to read as follows:

(1) Whenever a child who is less than ~~((ten))~~ sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than six years old and/or sixty pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;

(c) If the child is more than one but less than ~~((three))~~ four years of age or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system ~~((that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system));~~

~~((b))~~ (d) If the child is less than ~~((ten))~~ six but at least ~~((three))~~ four years of age or weighs less than sixty pounds but at least forty pounds, the child shall be properly restrained ~~((either as specified in (a) of this subsection or with a safety belt properly adjusted and fastened around the child's body-))~~ in a child booster seat;

(e) If the child is six years of age or older or weighs more than sixty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat; and

(f) Enforcement of (a) through (e) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the

shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (e) of this subsection. The driver of a vehicle transporting a child who is under the age of six years old or weighs less than sixty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (e) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, ~~(and)~~ (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

(6) The requirements of subsection (1)(a) through (e) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

Sec. 3. RCW 46.61.688 and 1990 c 250 s 58 are each amended to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either: (a) Wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Except for subsection (4)(b) of this section, which must be enforced as a primary action, enforcement of this section by law enforcement officers may be accomplished only as a secondary

action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW to read as follows:

The traffic safety commission shall conduct an educational campaign using all available methods to raise public awareness of the importance of properly restraining child passengers and the value of seatbelts to adult motorists. The traffic safety commission shall report to the transportation committees of the legislature on the campaign and results observed on the highways. The first report is due December 1, 2000, and annually thereafter.

NEW SECTION. **Sec. 5.** This act may be known and cited as the Anton Skeen Act.

NEW SECTION. **Sec. 6.** This act takes effect July 1, 2002."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 46.61.687 and 46.61.688; adding a new section to chapter 46.61 RCW; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

Speaker Ballard called upon Representative Pennington to preside.

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2675 and advanced the bill as amended by the Senate to final passage.

Representatives Skinner, Schual-Berke, Morris, Fortunato, Mitchell, Lovick, Fisher and Skinner (again) spoke in favor of final passage of the bill.

Representative Lambert spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Representative Pennington presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2675 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2675 as amended by the Senate and the bill passed the House by the following vote: Yeas - 83, Nays - 15, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala,

Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Talcott, Tokuda, Van Luven, Voloria, Wolfe, Wood, Woods and Mr. Speaker Chopp - 83.

Voting nay: Representatives Benson, G. Chandler, Crouse, Huff, Lambert, McMorris, Mielke, Mulliken, Parlette, Pennington, Schindler, Sump, Thomas, Wensman and Mr. Speaker Ballard - 15.

Engrossed Substitute House Bill No. 2675, as amended by the Senate, having received the constitutional majority, was declared passed.

Speaker Ballard assumed the chair.

There being no objection, the rules were suspended and Substitute Senate Bill No. 6062 was introduced, read the first time and placed on Second Reading.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6062, by Senate Committee on Ways & Means (originally sponsored by Senators Gardner, Spanel, West and Oke)

Providing a sales and use tax deferral for natural gas-fired energy generating facilities sited in rural areas.

The bill was read the second time.

Representative Dunshee moved the adoption of the following amendment (690):

On page On page 2, line 3, after "operation," insert "statement of intent to pay prevailing wages,"

On page 2, after line 27, insert:

"(c) "Qualifying generating facility" means a generating facility constructed and operated by persons who are paid no less than the prevailing rate of wage.

(d) "Statement of intent to pay prevailing wages" means a statement that has been approved by the industrial statistician of the department of labor and industries. The statement must include information similar to the information required for statements of intent to pay prevailing wages used for public works projects under RCW 39.12.040.

(e) "Prevailing rate of wage" is as defined in RCW 39.12.010."

On page 2, at the beginning of line 38, strike "used for the generation of electricity" and insert "a qualifying generating facility"

ReNUMBER subsections consecutively, correct any internal references accordingly.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Thomas moved the adoption of the following amendment (680):

On page 2, line 20 after "east" strike "six hundred" and insert "three hundred and ninety-five"

Representatives Thomas spoke in favor of the adoption of the amendment.

Representatives Dunshee, Ericksen and Mastin spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, DeBolt, Ericksen, Cooper, Pennington, Morris, Carrell, Dunshee and Delvin spoke in favor of passage of the bill.

Representatives McIntire and Dickerson spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6062.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6062, and the bill passed the House by the following vote: Yeas - 69, Nays - 29, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Grant, Hankins, Hatfield, Huff, Hurst, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Romero, Ruderman, Santos, Schindler, Schmidt, Scott, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 69.

Voting nay: Representatives Anderson, Barlean, Carlson, Constantine, Cox, Dickerson, Edmonds, Esser, Fisher, Fortunato, Gombosky, Haigh, Kagi, Kastama, Lantz, Lovick, McIntire, Murray, Ogden, Poulsen, Regala, Rockefeller, Schoesler, Schual-Berke, H. Sommers, Thomas, Tokuda, Van Luven and Veloria - 29.

Substitute Senate Bill No. 6062, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2000

Mr. Speaker:

The Senate has concurred in the House amendment(s) and has passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 6531,

SENATE BILL NO. 6534,

and the same are herewith transmitted.

Brad J. Hendrickson, Deputy Secretary

MOTION FOR RECONSIDERATION

Representative Wensman, having voted on the prevailing side, moved that the House immediately reconsider the vote on Substitute Senate Bill No. 6062. The motion was carried.

RECONSIDERATION

Speaker Ballard stated the question before the House to be final passage of Substitute Senate Bill No. 6062 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6062 on reconsideration and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Grant, Hankins, Hatfield, Huff, Hurst, Keiser, Kenney, Kessler, Koster, Lambert, Linville, Lisk, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Ruderman, Santos, Schindler, Schmidt, Scott, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 67.

Voting nay: Representatives Anderson, Barlean, Carlson, Constantine, Cox, Dickerson, Edmonds, Esser, Fisher, Fortunato, Gombosky, Haigh, Kagi, Kastama, Lantz, Lovick, McIntire, Murray, Ogden, Poulsen, Regala, Rockefeller, Romero, Schoesler, Schual-Berke, H. Sommers, Thomas, Tokuda, Van Luven, Voloria and Wensman - 31.

Substitute Senate Bill No. 6062, on reconsideration having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKERS

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 2392,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420,

SUBSTITUTE HOUSE BILL NO. 2491,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675,

SUBSTITUTE HOUSE BILL NO. 2850,

MESSAGE FROM THE SENATE

March 9, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6858,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended, Engrossed Senate Bill No. 6858 was introduced and read the first time, and advanced to Second Reading.

SECOND READING

ENGROSSED SENATE BILL NO. 6858, by Senators Kohl-Welles, Heavey, Horn, Goings, Rasmussen, Eide and Winsley

Providing financing mechanisms to fund local government services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Radcliff spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Senate Bill No. 6858.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6858 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 97.

Voting nay: Representative Cox - 1.

Engrossed Senate Bill No. 6858, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 9, 2000

Mr. Speaker:

The Senate receded from the Ways and Means Committee amendment(s) to SUBSTITUTE HOUSE BILL NO. 2460, adopted on March 8, 2000. Under Suspension of Rules, the bill was returned to Second Reading for purpose of amendment(s). The Senate adopted amendment(s) #291, and passed the bill with the following amendment(s):

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) There are geographic areas within communities that are characterized by a lack of employment opportunities, an average income level that is below the median income level for the surrounding community, a lack of affordable housing, deteriorating infrastructure, and a lack of facilities for community services, job training, and education;

(b) Strategies to encourage reinvestment in these areas by assisting local businesses to become stronger and area residents to gain economic power involve a variety of activities and partnerships;

(c) Reinvestment in these areas cannot be accomplished with only governmental resources and require a comprehensive approach that integrates various incentives, programs, and initiatives to meet the economic, physical, and social needs of the area;

(d) Successful reinvestment depends on a local government's ability to coordinate public resources in a cohesive, comprehensive strategy that is designed to leverage long-term private investment in an area;

(e) Reinvestment can strengthen the overall tax base through increased tax revenue from expanded and new business activities and physical property improvement;

(f) Local governments, in cooperation with area residents, can provide leadership as well as planning and coordination of resources and necessary supportive services to address reinvestment in the area; and

(g) It is in the public interest to adopt a targeted approach to revitalization and enlist the resources of all levels of government, the private sector, community-based organizations, and community residents to revitalize an area.

(2) The legislature declares that the purposes of the community empowerment zone act are to:

(a) Encourage reinvestment through strong partnerships and cooperation between all levels of government, community-based organizations, area residents, and the private sector;

(b) Involve the private sector and stimulate private reinvestment through the judicious use of public resources;

(c) Target governmental resources to those areas of greatest need; and

(d) Include all levels of government, community individuals, organizations, and the private sector in the policy-making process.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Area" means a geographic area within a local government that is described by a close perimeter boundary.

(2) "Community empowerment zone" means an area meeting the requirements of RCW 43.63A.700 (as recodified by this act) and officially designated by the director.

(3) "Department" means the department of community, trade, and economic development.

(4) "Director" means the director of the department of community, trade, and economic development.

(5) "Local government" means a city, code city, town, or county.

Sec. 3. RCW 43.63A.700 and 1994 sp.s. c 7 s 702 are each amended to read as follows:

(1) The department, in cooperation with the department of revenue, the employment security department, and the office of financial management, ~~((shall))~~ may approve applications submitted by local governments for an area's designation as a community empowerment zone under this ~~((section))~~ chapter. The application for designation shall be in the form and manner and contain such information as the department may prescribe, provided that the application ~~((for designation))~~ shall:

(a) Contain information sufficient for the director to determine if the criteria established in RCW 43.63A.710 (as recodified by this act) have been met~~((-))~~;

(b) Be submitted on behalf of the local government by its chief elected official, or, if none, by the governing body of the local government~~((-))~~;

(c) Contain a five-year community empowerment plan that ~~((describes the proposed designated community empowerment zone's community development needs and present a strategy for meeting those needs. The plan shall address the following categories: Housing needs; public infrastructure needs, such as transportation, water, sanitation, energy, and drainage/flood control; other public~~

~~facilities needs, such as neighborhood facilities or facilities for provision of health, education, recreation, public safety, or other services; community economic development needs, such as commercial/industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, or other related components of community economic development; and social service needs.~~

~~The local government is required to provide a description of its strategy for meeting the needs identified in this subsection (1)(c). As part of the strategy, the local government is required to identify the needs for which specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two year period and actions the local government will take to acquire those funds.)~~ meets the requirements of section 5 of this act; and

(d) Certify that ~~((neighborhood))~~ area residents were given the opportunity to participate in the development of the five-year community empowerment strategy required under ~~((e) of this subsection))~~ section 5 of this act.

(2) No local government shall submit more than two ~~((neighborhoods))~~ areas to the department for possible designation as a ~~((designated))~~ community empowerment zone under this ~~((section))~~ chapter.

(3)(a) ~~((Within ninety days after January 1, 1994,))~~ The director may designate up to six ~~((designated))~~ community empowerment zones, state-wide, from among the applications ~~((eligible))~~ submitted for designation as a ~~((designated))~~ community empowerment zone.

(b) The director shall make determinations of designated community empowerment zones on the basis of the following factors:

(i) The strength and quality of the local government commitments to meet the needs identified in the five-year community empowerment plan required under ~~((this))~~ section 5 of this act.

(ii) The level of private ~~((commitments by private entities))~~ sector commitment of additional resources and contribution to the ~~((designated))~~ community empowerment zone.

(iii) The potential for revitalization of the area as a result of designation as a ~~((designated))~~ community empowerment zone.

(iv) Other factors the director deems necessary.

(c) The determination of the director as to the areas designated as community empowerment zones shall be final.

(4) Except as provided in section 6 of this act, an area that was designated a community empowerment zone before January 1, 1996, under this section, automatically and without additional action by the local government continues its designation under this chapter.

(5) The department may not designate additional community empowerment zones after January 1, 2004, but may amend or rescind designation of community empowerment zones in accordance with section 6 of this act.

Sec. 4. RCW 43.63A.710 and 1994 sp.s. c 7 s 703 are each amended to read as follows:

(1) The director may not designate an area as a ~~((designated))~~ community empowerment zone unless that area meets the following requirements:

(a) The area must be designated by the legislative authority of the local government as an area to receive federal, state, and local assistance designed to increase economic, physical, or social activity in the area;

(b) The area must have at least fifty-one percent of the households in the area with incomes at or below eighty percent of the county's median income, adjusted for household size;

(c) The average unemployment rate for the area, for the most recent twelve-month period for which data is available must be at least one hundred twenty percent of the average unemployment rate of the county; and

(d) A five-year community empowerment plan for the area that meets the requirements of ~~((RCW 43.63A.700(1)(c) and as further defined by the director))~~ section 5 of this act must be adopted.

(2) The director may establish, by rule, such other requirements as the director may reasonably determine necessary and appropriate to assure that the purposes of this ~~((section))~~ chapter are satisfied.

(3) In determining if an area meets the requirements of this section, the director may consider data provided by the United States bureau of the census from the most recent census or any other reliable data that the director determines to be acceptable for the purposes for which the data is used.

NEW SECTION. Sec. 5. (1) The five-year community empowerment plan required under RCW 43.63A.700 (as recodified by this act) shall contain information that describes the community development needs of the proposed community empowerment zone and present a strategy for meeting those needs. The plan shall address the following categories:

- (a) Housing needs for all economic segments of the proposed community empowerment zone;
- (b) Public infrastructure needs, such as transportation, water, sanitation, energy, and drainage and flood control;
- (c) Other public facilities needs, such as neighborhood facilities or facilities for the provision of health, education, recreation, public safety, and other services;
- (d) Community economic development needs, such as commercial and industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, and other related components of community economic development; and
- (e) Social service needs of residents in the proposed community empowerment zone.

(2) The local government must provide a description of its strategy for meeting the needs identified in subsection (1) of this section. As part of the community empowerment zone strategy, the local government must identify the needs for which specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two-year period and actions the local government will take to acquire those funds.

(3) The local government must submit an annual progress report to the department that details the extent to which the local government is working to meet the needs identified in the five-year community empowerment plan. If applicable, the progress report must also contain a discussion on the impediments to meeting the needs outlined in the five-year community empowerment plan. The department must determine the date the annual progress reports are due from each local government.

NEW SECTION. Sec. 6. (1) The terms or conditions of a community empowerment zone approved under this chapter may be amended to:

- (a) Alter the boundaries of the community empowerment zone; or
- (b) Terminate the designation of a community empowerment zone.

(2)(a) A request for an amendment under subsection (1)(a) of this section may not be in effect until the department issues an amended designation for the community empowerment zone that approves the requested amendment. The local government must promptly file with the department a request for approval that contains information the department deems necessary to evaluate the proposed changes and its impact on the area's designation as a community empowerment zone under RCW 43.63A.710 (as recodified by this act). The local government must hold at least two public hearings on the proposed changes and include the information in its request for an amendment to its community empowerment zone.

(b) The department shall approve or disapprove a proposed amendment to a community empowerment zone within sixty days of its receipt of a request under subsection (1)(a) of this section. The department may not approve changes to a community empowerment zone that are not in conformity with this chapter.

(3)(a) The termination of an area's designation as a community empowerment zone under subsection (1)(b) of this section is not effective until the department issues a finding stating the reasons for the termination, which may include lack of commitment of resources to activities in the community empowerment zone by the public, private, and community-based sectors. The local government may file an appeal to the department's findings within sixty days of the notice to terminate the area's designation. The department must notify the local government of the results within thirty days of the filing of the appeal.

(b) A termination of an area's designation as a community empowerment zone has no effect on benefits previously extended to individual businesses. The local government may not commit benefits to a business after the effective date of the termination of an area's designation as a community empowerment zone.

(4) The department may request applications from local governments for designation as community empowerment zones under this chapter as a result of a termination of an area's designation as a community empowerment zone under this section.

NEW SECTION. Sec. 7. The department must administer this chapter and has the following powers and duties:

(1) To monitor the implementation of chapter . . . , Laws of 2000 (this act) and submit reports evaluating the effectiveness of the program and any suggestions for legislative changes to the governor and legislature by December 1, 2000;

(2) To develop evaluation and performance measures for local governments to measure the effectiveness of the program at the local level on meeting the objectives of this chapter;

(3) To provide information and appropriate assistance to persons desiring to locate and operate a business in a community empowerment zone;

(4) To work with appropriate state agencies to coordinate the delivery of programs, including but not limited to housing, community and economic development, small business assistance, social service, and employment and training programs which are carried on in a community empowerment zone; and

(5) To develop rules necessary for the administration of this chapter.

NEW SECTION. Sec. 8. The administration of a community empowerment zone is under the jurisdiction of the local government. Each local government must, by ordinance, designate a community empowerment zone administrator for the area designated as a community empowerment zone that is within its jurisdiction. A community empowerment zone administrator must be an officer or employee of the local government. The community empowerment zone administrator is the liaison between the local government, the department, the business community, and labor and community-based organizations within the community empowerment zone.

NEW SECTION. Sec. 9. This chapter may be known and cited as the Washington community empowerment zone act.

NEW SECTION. Sec. 10. Sections 1, 2, and 5 through 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 11. RCW 43.63A.700 and 43.63A.710, as amended by this act, are each recodified as sections in chapter 43.-- RCW (sections 1, 2, and 5 through 9 of this act).

NEW SECTION. Sec. 12. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

Sec. 13. RCW 82.60.049 and 1999 c 164 s 304 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved before January 1, 2000, under RCW 43.63A.700 or a county containing a community empowerment zone approved before January 1, 2000.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone in which the project is located. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) If a person does not meet the requirements of this section by the end of the calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

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

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, on line 1 of the title, after "zones;" strike the remainder of the title and insert "amending RCW 43.63A.700, 43.63A.710, and 82.60.049; adding a new chapter to Title 43 RCW; creating new sections; and recodifying RCW 43.63A.700 and 43.63A.710."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2460 and advanced the bill as amended by the Senate to final passage.

Representatives Gombosky and D. Sommers spoke in favor of final passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

Speaker Ballard stated the question before the House to be final passage of Substitute House Bill No. 2460 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2460 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Crouse, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D.

Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 94.
Voting nay: Representatives Boldt, Cox, DeBolt and Thomas - 4.

Substitute House Bill No. 2460, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2000

Mr. Speaker:

The President has signed ENGROSSED SENATE BILL NO. 6858, and the same is herewith transmitted.

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The Senate has passed SENATE CONCURRENT RESOLUTION NO. 8432, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended, and Senate Concurrent Resolution No. 8432 was read the first time and placed on Second Reading.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8432, by Senator T. Sheldon

Making exceptions to cutoff dates.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Senate Concurrent Resolution No. 8432, having received the constitutional majority, was declared adopted.

MESSAGES FROM THE SENATE

March 9, 2000

Mr. Speaker:

The Senate has concurred in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6530, and has passed the bill as amended by the House,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

ENGROSSED HOUSE BILL NO. 2760,

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

SUBSTITUTE SENATE BILL NO. 6062,

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The President has signed:

and the same are herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 2392,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2420,
SUBSTITUTE HOUSE BILL NO. 2491,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2675,
SUBSTITUTE HOUSE BILL NO. 2850,

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The President has signed:

and the same are herewith transmitted.

SUBSTITUTE SENATE BILL NO. 6531,
SENATE BILL NO. 6534,
SENATE BILL NO. 6775,

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1987,
HOUSE BILL NO. 2353,
SUBSTITUTE HOUSE BILL NO. 2378,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380,
HOUSE BILL NO. 2400,
SUBSTITUTE HOUSE BILL NO. 2418,
SUBSTITUTE HOUSE BILL NO. 2441,
HOUSE BILL NO. 2510,
HOUSE BILL NO. 2531,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2588,
HOUSE BILL NO. 2595,
SECOND SUBSTITUTE HOUSE BILL NO. 2637,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647,
ENGROSSED HOUSE BILL NO. 2648,
SECOND SUBSTITUTE HOUSE BILL NO. 2663,
HOUSE BILL NO. 2807,
SUBSTITUTE HOUSE BILL NO. 2903,
SUBSTITUTE HOUSE BILL NO. 2912,
HOUSE JOINT MEMORIAL NO. 4026,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4428,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 3068,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5802,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6530,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The Senate concurs in the House amendment(s) to ENGROSSED SENATE BILL NO. 6561 to page 2, lines 4, 7, and 16. The Senate refuses to concur in the House amendment to page 2, line 1, and asks the House to recede therefrom,

and the same is herewith transmitted.

Tony M. Cook, Secretary

Speaker Ballard stated the question before the House to be a motion to recede from the House amendment to page 2, line 1 to Engrossed Senate Bill No. 6561, and to advance the bill to final passage.

Representatives Milosica, Schmidt, Romero, Dunshee and Schmidt (again) spoke in favor of receding from the House amendment.

Representatives Campbell, Pennington, Hurst, Carrell, Pennington (again), Campbell (again), Hurst (again) and Campbell (again) spoke against receding from the House amendment.

Division was demanded. Speaker Ballard divided the House. The results of the division was 23-YEAS; 75-NAYS. The motion to recede was not adopted.

On motion of Representative Pennington, the House insisted on its position regarding the House amendment #697 to page 2, line 1 to Engrossed Senate Bill No. 6561, and asked the Senate to recede therefrom.

SIGNED BY THE SPEAKERS

The Speakers signed:

SUBSTITUTE HOUSE BILL NO. 2460,
ENGROSSED HOUSE BILL NO. 2760,
ENGROSSED HOUSE BILL NO. 3068,
SECOND SUBSTITUTE SENATE BILL NO. 5802,
SUBSTITUTE SENATE BILL NO. 6062,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6530,
SUBSTITUTE SENATE BILL NO. 6531,
SENATE BILL NO. 6534,
SENATE BILL NO. 6775,
ENGROSSED SENATE BILL NO. 6858,

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

INTRODUCTIONS AND FIRST READING

HB 3155 by Representative Thomas

AN ACT Relating to taxation; amending RCW 41.40.052, 82.03.130, 82.03.140, 82.04.060, 82.04.460, 82.04.480, 82.08.020, 82.08.0255, 82.08.090, 82.12.010, 82.12.020, 82.12.0252, 82.12.0255, 82.12.0256, 82.12.035, 82.12.060, 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.263, 82.04.2635, 82.04.270, 82.04.270, 82.04.280, 82.04.280, 82.04.2905, 82.04.2907, 82.45.060, 82.04.290, 82.04.290, and 82.04.290; reenacting and amending RCW 82.04.050, 82.04.190, 82.04.250, 82.04.260, 82.04.290, 82.04.290, and 82.04.290; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; repealing RCW 82.08.02525, 82.08.0253, 82.08.02535, 82.08.02537, 82.08.0256, 82.08.02565, 82.08.02566, 82.08.02567, 82.08.02568, 82.08.02569, 82.08.0257, 82.08.02573, 82.08.0258, 82.08.0259, 82.08.0261, 82.08.0262, 82.08.0263, 82.08.0264, 82.08.0265, 82.08.0266, 82.08.02665, 82.08.0267, 82.08.0268, 82.08.0269, 82.08.0271, 82.08.0272, 82.08.0273, 82.08.0274, 82.08.02745, 82.08.0275, 82.08.0276, 82.08.0277, 82.08.0278, 82.08.0279, 82.08.02795, 82.08.0282, 82.08.0285, 82.08.0287, 82.08.02875, 82.08.0288, 82.08.0289, 82.08.0291, 82.08.02915, 82.08.02917, 82.08.0294, 82.08.0296, 82.08.0298, 82.08.0299, 82.08.031, 82.08.0311, 82.08.0315, 82.08.036, 82.08.810, 82.08.811, 82.08.812, 82.08.820, 82.08.830, 82.08.832, 82.12.02525, 82.12.02545, 82.12.02565, 82.12.02566, 82.12.02567, 82.12.02568, 82.12.02569, 82.12.0257, 82.12.0258, 82.12.0259, 82.12.02595, 82.12.0261, 82.12.0262, 82.12.0263, 82.12.0264, 82.12.0265, 82.12.0267, 82.12.0268, 82.12.02685, 82.12.0269, 82.12.0271, 82.12.0272, 82.12.0273,

82.12.0274, 82.12.02745, 82.12.0276, 82.12.0279, 82.12.0282, 82.12.0283, 82.12.0284, 82.12.02915, 82.12.02917, 82.12.0294, 82.12.0296, 82.12.0298, 82.12.031, 82.12.0311, 82.12.0315, 82.12.0345, 82.12.0347, 82.12.038, 82.12.800, 82.12.801, 82.12.802, 82.12.810, 82.12.811, 82.12.812, 82.12.820, and 82.12.832; prescribing penalties; providing contingent effective dates; and providing expiration dates.

Referred to Committee on Finance.

HB 3156 by Representatives Ogden, Schual-Berke, Conway, Campbell, Ruderman, Cody, Linville, Hankins and Mitchell

AN ACT Relating to the omnibus credentialing act for counselors, social workers, mental health counselors, and marriage and family therapists; amending RCW 18.19.010, 18.19.020, 18.19.030, 18.19.090, 18.19.040, 18.19.050, 18.19.060, 18.19.070, 18.19.080, 18.19.100, 18.19.140, 18.19.150, 18.19.160, 18.19.170, 18.19.180, 18.19.190, 18.19.900, and 18.130.040; adding new sections to chapter 18.19 RCW; creating a new section; and repealing RCW 18.19.110, 18.19.120, and 18.19.130.

Referred to Committee on Children & Family Services.

HB 3157 by Representative Stensen

AN ACT Relating to school-based mental health services for children and youth; adding new sections to chapter 28A.300 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

HB 3158 by Representative Stensen

AN ACT Relating to the official mammal of the state of Washington; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government.

HJR 4222 by Representative Thomas

Amending the Constitution to allow the legislature to enact income tax and setting maximum rates on other taxes.

Referred to Committee on Finance.

HCR 4429 by Representative Kessler

Exempting bills from cutoff dates.

HCR 4430 by Representative Kessler

Exempting bills from cutoff dates.

HCR 4431 by Representative Kessler

Exempting bills from cutoff dates.

HCR 4432 by Representative Kessler

Exempting bills from cutoff dates.

HCR 4433 by Representative Kessler

Exempting bills from cutoff dates.

HCR 4434 by Representative Kessler

Exempting bills from cutoff dates.

HCR 4435 by Representative Kessler

Exempting bills from cutoff dates.

HCR 4436 by Representative Kessler

Exempting bills from cutoff dates.

HCR 4437 by Representatives Kenney and Carlson

Establishing a joint select committee on community college funding.

Referred to Committee on Higher Education.

HCR 4438 by Representatives Schoesler, Mulliken, Buck, Koster, Sump, Grant, Mielke, Doumit, G. Chandler, Dunn and Benson

Expressing legislative support for proper care and management of domestic and wild animals.

Referred to Committee on Natural Resources.

HCR 4439 by Representatives Pflug, Parlette, Edmonds and Cody

Creating a joint legislative committee on long-term care and rehabilitation.

Referred to Committee on Health Care.

HCR 4440 by Representatives Pflug, Parlette, Edmonds and Cody

Creating a joint legislative committee on long-term care and rehabilitation.

Referred to Committee on Health Care.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the Rules Committee except for the bills referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

March 6, 2000

HB 3046 Prime Sponsor, Representative Talcott: Establishing a pilot program for teachers to increase student achievement through instructional leadership. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Clements; Cody; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; Parlette; Regala; Rockefeller; Ruderman; Sullivan and Tokuda.

MINORITY recommendation: Do not pass. Signed by 8 members: Representatives Barlean, Republican Vice Chair; Benson; Boldt; Crouse; McMorris; Mulliken; Sump and Wensman.

Voting yea: Representatives Huff, H. Sommers, Doumit, Schmidt, Alexander, Clements, Cody, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, Parlette, Regala, Rockefeller, Ruderman, Sullivan and Tokuda.

Voting nay: Representatives Barlean, Benson, Boldt, Crouse, McMorris, Mulliken, Sump and Wensman.

Passed to Rules Committee for Second Reading.

March 6, 2000

HB 3121 Prime Sponsor, Representative Huff: Strengthening the state expenditure limit. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representatives Kagi and McIntire.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Voting nay: Representatives Kagi and McIntire.

Passed to Rules Committee for Second Reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

MESSAGE FROM THE SENATE

March 9, 2000

Mr. Speaker:

The President has signed SENATE CONCURRENT RESOLUTION NO. 8432 and the same is

herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKERS

The Speakers signed:

SENATE CONCURRENT RESOLUTION NO. 8432,

MESSAGES FROM THE SENATE

March 9, 2000

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2460,

ENGROSSED HOUSE BILL NO. 2760,

ENGROSSED HOUSE BILL NO. 3068,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 9, 2000

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8430, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended, Senate Concurrent Resolution No. 8430 was read the first time and advanced to Second Reading.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8430, by Senators Snyder and West

Transmitting measures to the house of origin.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

There being no objection, Senate Concurrent Resolution No. 8430 was adopted.

There being no objection, the following bills, memorials and resolutions remaining on the Concurrence and Dispute calendars were returned to the Rules Committee:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1071,
SUBSTITUTE HOUSE BILL NO. 2383,
SUBSTITUTE HOUSE BILL NO. 2406,
SUBSTITUTE HOUSE BILL NO. 2572,
ENGROSSED HOUSE BILL NO. 2873,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2994,

MESSAGE FROM THE SENATE

March 9, 2000

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8431, and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended, Senate Concurrent Resolution No. 8431 was read the first time and advanced to Second Reading.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8431, by Senators Snyder and West

Adjourning SINE DIE.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Senate Concurrent Resolution No. 8431 was adopted.

MESSAGE FROM THE SENATE

March 9, 2000

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8430,
SENATE CONCURRENT RESOLUTION NO. 8431,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKERS

The Speakers signed:

SENATE CONCURRENT RESOLUTION NO. 8430,

SENATE CONCURRENT RESOLUTION NO. 8431,

BILLS RETURNED TO THE SENATE

Under the provisions of Senate Concurrent Resolution No. 8430, the following Senate Bills were returned to the Secretary of the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5019

SUBSTITUTE SENATE BILL NO. 5027

SENATE BILL NO. 5033

ENGROSSED SUBSTITUTE SENATE BILL NO. 5049

SENATE BILL NO. 5053

SUBSTITUTE SENATE BILL NO. 5065

ENGROSSED SUBSTITUTE SENATE BILL NO. 5074

SENATE BILL NO. 5084

SENATE BILL NO. 5100

SUBSTITUTE SENATE BILL NO. 5103

SUBSTITUTE SENATE BILL NO. 5112

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121

SENATE BILL NO. 5123

SUBSTITUTE SENATE BILL NO. 5132

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5212

SENATE BILL NO. 5291

ENGROSSED SUBSTITUTE SENATE BILL NO. 5295

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5331

SUBSTITUTE SENATE BILL NO. 5340
SENATE BILL NO. 5341
SUBSTITUTE SENATE BILL NO. 5349
SUBSTITUTE SENATE BILL NO. 5378
SENATE BILL NO. 5445
SUBSTITUTE SENATE BILL NO. 5453
SENATE BILL NO. 5464
ENGROSSED SENATE BILL NO. 5490
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5540
SENATE BILL NO. 5542
SENATE BILL NO. 5570
SENATE BILL NO. 5575
ENGROSSED SENATE BILL NO. 5580
ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 5598
SUBSTITUTE SENATE BILL NO. 5604
SUBSTITUTE SENATE BILL NO. 5607
ENGROSSED SUBSTITUTE SENATE BILL NO. 5611
SUBSTITUTE SENATE BILL NO. 5641
SECOND SUBSTITUTE SENATE BILL NO. 5659
SENATE BILL NO. 5664
ENGROSSED SENATE BILL NO. 5665
SUBSTITUTE SENATE BILL NO. 5704
SUBSTITUTE SENATE BILL NO. 5718
SUBSTITUTE SENATE BILL NO. 5733
ENGROSSED SENATE BILL NO. 5816
THIRD SUBSTITUTE SENATE BILL NO. 5848
SENATE BILL NO. 5862

SUBSTITUTE SENATE BILL NO. 5874
SUBSTITUTE SENATE BILL NO. 5881
SENATE BILL NO. 5920
SUBSTITUTE SENATE BILL NO. 5921
SENATE BILL NO. 5944
SECOND SUBSTITUTE SENATE BILL NO. 5953
SECOND SUBSTITUTE SENATE BILL NO. 6004
SUBSTITUTE SENATE BILL NO. 6008
SUBSTITUTE SENATE BILL NO. 6034
SENATE BILL NO. 6037
SUBSTITUTE SENATE BILL NO. 6117
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6152
SENATE BILL NO. 6157
SENATE BILL NO. 6158
SECOND SUBSTITUTE SENATE BILL NO. 6167
SENATE BILL NO. 6168
SENATE BILL NO. 6174
SENATE BILL NO. 6201
SUBSTITUTE SENATE BILL NO. 6202
SUBSTITUTE SENATE BILL NO. 6207
SENATE BILL NO. 6211
ENGROSSED SUBSTITUTE SENATE BILL NO. 6212
SUBSTITUTE SENATE BILL NO. 6214
SENATE BILL NO. 6216
SUBSTITUTE SENATE BILL NO. 6219
SENATE BILL NO. 6225
SUBSTITUTE SENATE BILL NO. 6229

ENGROSSED SENATE BILL NO. 6232
ENGROSSED SENATE BILL NO. 6234
SENATE BILL NO. 6238
SECOND SUBSTITUTE SENATE BILL NO. 6241
ENGROSSED SENATE BILL NO. 6250
ENGROSSED SENATE BILL NO. 6252
SENATE BILL NO. 6256
SENATE BILL NO. 6257
SUBSTITUTE SENATE BILL NO. 6259
SUBSTITUTE SENATE BILL NO. 6263
SENATE BILL NO. 6272
SUBSTITUTE SENATE BILL NO. 6273
SENATE BILL NO. 6274
SENATE BILL NO. 6280
SUBSTITUTE SENATE BILL NO. 6284
SUBSTITUTE SENATE BILL NO. 6292
SUBSTITUTE SENATE BILL NO. 6293
SUBSTITUTE SENATE BILL NO. 6296
SENATE BILL NO. 6298
SUBSTITUTE SENATE BILL NO. 6304
SUBSTITUTE SENATE BILL NO. 6310
SUBSTITUTE SENATE BILL NO. 6328
SENATE BILL NO. 6330
SENATE BILL NO. 6331
SUBSTITUTE SENATE BILL NO. 6333
ENGROSSED SUBSTITUTE SENATE BILL NO. 6354
SENATE BILL NO. 6362

ENGROSSED SUBSTITUTE SENATE BILL NO. 6363
 ENGROSSED SENATE BILL NO. 6364
 SUBSTITUTE SENATE BILL NO. 6365
 SUBSTITUTE SENATE BILL NO. 6367
 SENATE BILL NO. 6368
 SECOND SUBSTITUTE SENATE BILL NO. 6369
 SUBSTITUTE SENATE BILL NO. 6383
ENGROSSED SUBSTITUTE SENATE BILL NO. 6391
ENGROSSED SUBSTITUTE SENATE BILL NO. 6395
ENGROSSED SUBSTITUTE SENATE BILL NO. 6396
 SUBSTITUTE SENATE BILL NO. 6399
 SUBSTITUTE SENATE BILL NO. 6401
 ENGROSSED SENATE BILL NO. 6402
ENGROSSED SUBSTITUTE SENATE BILL NO. 6404
 SUBSTITUTE SENATE BILL NO. 6411
ENGROSSED SUBSTITUTE SENATE BILL NO. 6416
 SENATE BILL NO. 6417
 ENGROSSED SENATE BILL NO. 6418
 SUBSTITUTE SENATE BILL NO. 6419
ENGROSSED SUBSTITUTE SENATE BILL NO. 6432
 SUBSTITUTE SENATE BILL NO. 6439
 ENGROSSED SENATE BILL NO. 6441
 SUBSTITUTE SENATE BILL NO. 6442
 ENGROSSED SENATE BILL NO. 6446
 ENGROSSED SENATE BILL NO. 6448
ENGROSSED SUBSTITUTE SENATE BILL NO. 6462
 SENATE BILL NO. 6463

SUBSTITUTE SENATE BILL NO. 6464
ENGROSSED SUBSTITUTE SENATE BILL NO. 6478
SUBSTITUTE SENATE BILL NO. 6479
ENGROSSED SUBSTITUTE SENATE BILL NO. 6499
ENGROSSED SUBSTITUTE SENATE BILL NO. 6513
SENATE BILL NO. 6515
SENATE BILL NO. 6518
ENGROSSED SUBSTITUTE SENATE BILL NO. 6524
SENATE BILL NO. 6532
ENGROSSED SUBSTITUTE SENATE BILL NO. 6533
ENGROSSED SENATE BILL NO. 6537
SUBSTITUTE SENATE BILL NO. 6540
SENATE BILL NO. 6547
SUBSTITUTE SENATE BILL NO. 6548
SENATE BILL NO. 6549
SUBSTITUTE SENATE BILL NO. 6552
SUBSTITUTE SENATE BILL NO. 6554
SUBSTITUTE SENATE BILL NO. 6558
SUBSTITUTE SENATE BILL NO. 6568
SENATE BILL NO. 6579
SUBSTITUTE SENATE BILL NO. 6586
SENATE BILL NO. 6600
ENGROSSED SENATE BILL NO. 6606
ENGROSSED SENATE BILL NO. 6613
ENGROSSED SENATE BILL NO. 6617
SUBSTITUTE SENATE BILL NO. 6618
SUBSTITUTE SENATE BILL NO. 6626

SUBSTITUTE SENATE BILL NO. 6645
SUBSTITUTE SENATE BILL NO. 6664
SENATE BILL NO. 6666
ENGROSSED SUBSTITUTE SENATE BILL NO. 6668
ENGROSSED SENATE BILL NO. 6677
SUBSTITUTE SENATE BILL NO. 6680
SUBSTITUTE SENATE BILL NO. 6682
SUBSTITUTE SENATE BILL NO. 6686
SENATE BILL NO. 6688
ENGROSSED SUBSTITUTE SENATE BILL NO. 6690
ENGROSSED SENATE BILL NO. 6696
SENATE BILL NO. 6700
SENATE BILL NO. 6703
SENATE BILL NO. 6713
SENATE BILL NO. 6714
SUBSTITUTE SENATE BILL NO. 6722
SUBSTITUTE SENATE BILL NO. 6724
SENATE BILL NO. 6743
SUBSTITUTE SENATE BILL NO. 6749
SENATE BILL NO. 6760
ENGROSSED SUBSTITUTE SENATE BILL NO. 6773
SUBSTITUTE SENATE BILL NO. 6792
ENGROSSED SENATE BILL NO. 6805
ENGROSSED SENATE BILL NO. 6825
SENATE BILL NO. 6829
SUBSTITUTE SENATE BILL NO. 6845
SUBSTITUTE SENATE BILL NO. 6856

SENATE JOINT MEMORIAL NO. 8020

SENATE JOINT MEMORIAL NO. 8025

SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8205

SENATE JOINT RESOLUTION NO. 8212

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8418

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8422

SENATE CONCURRENT RESOLUTION NO. 8426

MESSAGE FROM THE SENATE

March 9, 2000

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8430, the following House Bills were returned to the House of Representatives:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1059,

ENGROSSED HOUSE BILL NO. 1085,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1210,

HOUSE BILL NO. 1383,

HOUSE BILL NO. 1579,

SUBSTITUTE HOUSE BILL NO. 1945,

ENGROSSED HOUSE BILL NO. 1968,

SUBSTITUTE HOUSE BILL NO. 1990,

SUBSTITUTE HOUSE BILL NO. 2060,

ENGROSSED HOUSE BILL NO. 2120,

SUBSTITUTE HOUSE BILL NO. 2326,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2331,

HOUSE BILL NO. 2341,

HOUSE BILL NO. 2342,

SECOND SUBSTITUTE HOUSE BILL NO. 2359,

SECOND SUBSTITUTE HOUSE BILL NO. 2364,

HOUSE BILL NO. 2365,
ENGROSSED HOUSE BILL NO. 2396,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2409,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2439,
HOUSE BILL NO. 2440,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2451,
SUBSTITUTE HOUSE BILL NO. 2453,
HOUSE BILL NO. 2456,
SUBSTITUTE HOUSE BILL NO. 2457,
SUBSTITUTE HOUSE BILL NO. 2461,
SUBSTITUTE HOUSE BILL NO. 2462,
HOUSE BILL NO. 2464,
SUBSTITUTE HOUSE BILL NO. 2476,
SUBSTITUTE HOUSE BILL NO. 2477,
SUBSTITUTE HOUSE BILL NO. 2481,
HOUSE BILL NO. 2498,
SUBSTITUTE HOUSE BILL NO. 2513,
SUBSTITUTE HOUSE BILL NO. 2542,
HOUSE BILL NO. 2580,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2582,
SUBSTITUTE HOUSE BILL NO. 2608,
SUBSTITUTE HOUSE BILL NO. 2614,
HOUSE BILL NO. 2662,
SUBSTITUTE HOUSE BILL NO. 2667,
SUBSTITUTE HOUSE BILL NO. 2671,
SUBSTITUTE HOUSE BILL NO. 2673,
SUBSTITUTE HOUSE BILL NO. 2678,

HOUSE BILL NO. 2683,
SUBSTITUTE HOUSE BILL NO. 2685,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2712,
SUBSTITUTE HOUSE BILL NO. 2719,
SUBSTITUTE HOUSE BILL NO. 2729,
HOUSE BILL NO. 2733,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2735,
SECOND SUBSTITUTE HOUSE BILL NO. 2738,
SUBSTITUTE HOUSE BILL NO. 2767,
HOUSE BILL NO. 2771,
SUBSTITUTE HOUSE BILL NO. 2772,
SUBSTITUTE HOUSE BILL NO. 2803,
SUBSTITUTE HOUSE BILL NO. 2819,
HOUSE BILL NO. 2832,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847,
SUBSTITUTE HOUSE BILL NO. 2858,
HOUSE BILL NO. 2861,
SUBSTITUTE HOUSE BILL NO. 2863,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2872,
SUBSTITUTE HOUSE BILL NO. 2874,
HOUSE BILL NO. 2920,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2929,
HOUSE BILL NO. 2931,
ENGROSSED HOUSE BILL NO. 2946,
SECOND SUBSTITUTE HOUSE BILL NO. 3016,
HOUSE BILL NO. 3028,
SUBSTITUTE HOUSE BILL NO. 3124,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3128,
ENGROSSED HOUSE BILL NO. 3144,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4018,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4020,
HOUSE JOINT MEMORIAL NO. 4023,
HOUSE CONCURRENT RESOLUTION NO. 4407,

and the same are herewith transmitted.

Tony M. Cook, Secretary

MOTION

On motion of Representative Lisk, reading of the Journal of the Sixtieth Day of the Fifty Sixth Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Representative Lisk, the House of Representatives of the Fifty Sixth Legislature adjourned sine die.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

SIXTIETH DAY, MARCH 9, 2000

JOURNAL OF THE HOUSE

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

FIRST DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Friday, March 10, 2000

The House was called to order at 9:00 a.m. by Speaker Pro Tempore Ogden

MESSAGE FROM THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2000 regular session on March 9, 2000, the 60th day of the session; and

WHEREAS, supplemental operating, transportation and capital budgets for the state, and measures necessary to implement them, were not passed; and

WHEREAS, substantial work remains to be done with respect to education, including measures to improve student achievement and Washington's Promise Scholarships; and

WHEREAS, work also remains to be done to pass legislation reforming civil service, assisting locked out workers, streamlining the granting of water rights, cigarette tax compacts, and demerging the Department of Community, Trade and Economic Development;

NOW, THEREFORE, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at nine o'clock a.m. on Friday, March 10, 2000 for a period of not more than one week for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 9th day of March, A.D., two thousand.

Gary Locke
Governor of Washington

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

There being no objection, the House adjourned until 9:00 a.m., Monday, March 13, 2000, the 4th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIRST DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 10, 2000

JOURNAL OF THE HOUSE

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FOURTH DAY -- SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Monday, March 13, 2000

The House was called to order at 9:00 a.m. by Speaker Pro Tempore Pennington. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Katie Cooper and Claire Griffith. The Speaker led the chamber in the Pledge of Allegiance. Prayer was offered by Representative Kathy Haigh.

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

MESSAGE FROM THE SENATE

March 10, 2000

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 6404,

SECOND SUBSTITUTE SENATE BILL NO. 6499,

SUBSTITUTE SENATE BILL NO. 6845,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856,

SENATE JOINT RESOLUTION NO. 8212,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

MOTION

On motion of Representative Wensman, the House adjourned until 10:00 a.m., Tuesday, March 14, 2000, the 5th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FOURTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 13, 2000

JOURNAL OF THE HOUSE

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FIFTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Tuesday, March 14, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jared Curtiss and Nolan Byrd. Prayer was offered by Representative Phil Fortunato.

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

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

There being no objection, the House adjourned until 10:00 a.m., Wednesday, March 15, 2000, the 6th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 14, 2000

JOURNAL OF THE HOUSE

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SIXTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Wednesday, March 15, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amanda Haaland and Shauna Walsh. Prayer was offered by Representative Dave Quall.

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

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

There being no objection, the House adjourned until 10:00 a.m., Thursday, March 16, 2000, the 7th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

SIXTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 15, 2000

JOURNAL OF THE HOUSE

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SEVENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Thursday, March 16, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages March Curtiss and Danielle Watrey. Prayer was offered by Representative Joyce Mulliken.

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

MESSAGE FROM THE SENATE

March 14, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6368,

ENGROSSED SENATE BILL NO. 6402,

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6513,
and the same are herewith transmitted.

Tony M. Cook, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2000-4799, by Representatives Regala and Conway

WHEREAS, High school athletic programs embrace positive character attributes such as sportsmanship, community pride, self-discipline, and teamwork; and

WHEREAS, Young people who participate in interscholastic athletics generally embody these positive character traits through a higher commitment to academics, greater diligence in attending classes, reduced drop-out rates, and fewer discipline problems; and

WHEREAS, The Foss High School Falcons celebrated the first state basketball title in the school's history after winning the state 4A basketball tournament on March 11, 2000; and

WHEREAS, The Falcons were led to a 21-4 regular season record under the direction of Head Coach John Ruby and his staff of assistant coaches including Owen Chambers, Frank Dearmon, Doug Dorn, Dick Hall, and Max Escalante; and

WHEREAS, The exceptional character and supreme determination of champions were exemplified through the individual contributions of team members Marc Axton, Demetrius Crosby, Tony Doble, Kenan Joyce, Joe Knittel, Terrance Menefee, Michael Moore, Khary Nicholas, Rhett Parker, Greg Shadowvine, Rachi Wortham, and Solomon Wyatt;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend the Foss High School basketball team, Head Coach John Ruby and his staff, Foss High School's parents and teachers, and the greater Tacoma community for their commitment to youth athletics as exemplified in the accomplishments of this year's state 4A basketball champions the Foss Falcons; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Principal Rob Lang, Athletic Director Tom Burmester, and Head Coach John Ruby.

Representative Regala moved adoption of the resolution.

Representatives Regala and Conway spoke in favor of the adoption of the resolution.

House Resolution No. 2000-4799 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Lisk informed the Chamber of the death of former Representative Jean Silver. She shared her memories of Representative Silver and asked the Chamber to remember the family members.

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

There being no objection, the House adjourned until 10:00 a.m., Friday, March 17, 2000, the 8th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

SEVENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 16, 2000

JOURNAL OF THE HOUSE

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EIGHTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Friday, March 17, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jared Curtiss and Katie Cooper. Prayer was offered by Representative Kelli Linville.

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

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

MOTION

On motion of Representative Lisk, the House adjourned until 10:00 a.m., Monday, March 20, 2000, the 11th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

EIGHTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION DAY, MARCH 17,
2000

JOURNAL OF THE HOUSE

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ELEVENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Monday, March 20, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alexander Moss and Kevin Springer. The Speaker led the chamber in the Pledge of Allegiance. Prayer was offered by Representative Renee Radcliff.

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

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

There being no objection, the House adjourned until 10:00 a.m., Tuesday, March 21, 2000, the 12th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

ELEVENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 20, 2000

JOURNAL OF THE HOUSE

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TWELFTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Tuesday, March 21, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Steve Donaldson and Jessica Hiatt. Prayer was offered by Representative Sandra Romero.

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

INTRODUCTIONS AND FIRST READING

HB 3160 by Representatives Thomas, Dunshee, Cairnes, Sullivan, Stensen, Conway, Campbell, Miloscia, Esser, Kastama, DeBolt, O'Brien, Benson, Rockefeller, Barlean, Lantz, Lisk, Kessler, Huff, Buck, Lambert, Mulliken, Fortunato, Wensman, Pflug, Radcliff, Sump, Delvin, Dunn, Talcott, Schindler, Ericksen, Mitchell, McDonald, Crouse, Ballasiotes, Hankins, Mastin, Mielke, Alexander, G. Chandler, Parlette, Woods, D. Sommers, Clements, Pennington, Carrell, Skinner, Carlson, Boldt, Bush, McMorris, D. Schmidt, Koster, B. Chandler, Hurst, Grant, Ogden, Wolfe, Lovick and Morris

AN ACT Relating to limiting taxation by limiting excessive license tab fees; adding a new section to chapter 46.16 RCW; creating new sections; and repealing RCW 46.16.060, 46.16.061, 46.16.650, 82.44.010, 82.44.015, 82.44.020, 82.44.022, 82.44.023, 82.44.025, 82.44.030, 82.44.041, 82.44.060, 82.44.065, 82.44.080, 82.44.090, 82.44.100, 82.44.110, 82.44.120, 82.44.130, 82.44.140, 82.44.150, 82.44.155, 82.44.157, 82.44.160, 82.44.170, 82.44.180, 82.44.900, 82.50.010, 82.50.060, 82.50.090, 82.50.170, 82.50.250, 82.50.400, 82.50.405, 82.50.410, 82.50.425, 82.50.435, 82.50.440, 82.50.460, 82.50.510, 82.50.520, 82.50.530, 82.50.540, and 82.50.901.

Referred to Committee on Finance.

HB 3161 by Representatives Thomas, Barlean, Cairnes, Campbell, Esser, DeBolt, Benson, Huff, Lisk, Lambert, Mulliken, Pflug, D. Sommers, Crouse, Mielke, Schindler, Fortunato, Delvin,

Talcott, Ericksen, Clements, Pennington, Carrell, Woods, Boldt, McMorris, D. Schmidt, G. Chandler, Koster, B. Chandler, Morris, Sullivan and Sump

AN ACT Relating to limiting tax increases by requiring voter approval; adding a new section to chapter 43.135 RCW; and creating new sections.

Referred to Committee on Finance.

HB 3162 by Representatives Dunshee, Thomas, Talcott, Woods, Mitchell, Pennington, Boldt, Cairnes, Mielke, Esser, Bush, Alexander, DeBolt, Fortunato, Benson, Schindler, Clements, Skinner, McMorris, Radcliff, Ballasiotes, Edwards, G. Chandler, Carlson, Pflug, B. Chandler, Keiser, Conway, Ruderman, Dunn, Miloscia, Hankins, Mulliken, Huff, Lambert, McDonald, Hurst, Barlean, Scott, Wood, Kastama, Edmonds, Wolfe, Morris, Fisher, Rockefeller, Koster, Sump, Campbell, D. Schmidt and Carrell

AN ACT Relating to increasing property tax relief for senior citizens and disabled persons by providing a tax credit for taxes levied by the state, continuing tax relief while residing in adult family homes and boarding homes, allowing deduction of health care insurance when computing eligibility for tax relief, and allowing deduction of disabled veteran benefits when computing eligibility for tax relief by veterans with service-connected disabilities of at least fifty percent; amending RCW 84.36.381 and 84.36.383; adding a new section to chapter 84.55 RCW; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Finance.

HB 3163 by Representatives McIntire and Edmonds

AN ACT Relating to vehicle taxes; amending RCW 82.44.020, 82.44.110, and 35.58.273; adding a new section to chapter 82.44 RCW; creating a new section; repealing RCW 82.44.041, 82.44.155, 82.44.157, and 82.44.160; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Finance.

HB 3164 by Representatives McIntire, Edmonds and Haigh

AN ACT Relating to vehicle taxes; amending RCW 82.44.020, 82.44.110, and 35.58.273; adding a new section to chapter 82.44 RCW; creating a new section; repealing RCW 82.44.041, 82.44.155, 82.44.157, and 82.44.160; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Finance.

HB 3165 by Representative Sullivan

AN ACT Relating to personnel; amending RCW 41.06.030, 41.06.150, 41.06.150, 41.06.022, 41.06.070, 41.06.110, 41.06.160, 41.06.167, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 28B.12.060, 34.05.030, 34.12.020, 41.50.804, 43.06.425, 43.33A.100, 43.131.090, 49.46.010, 41.06.340, 13.40.320, 39.29.006, 41.04.385, 47.46.040, 72.09.100, 41.06.079, 41.06.152, 41.06.152, 41.06.500, 41.06.500, 43.21I.010, 43.23.010, 49.74.030, 49.74.030, 49.74.040, 49.74.040, and 41.56.201; reenacting and amending RCW 41.04.340; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.06.163, 41.06.165, 41.06.140, 41.50.804, 41.06.520, 41.06.380, 41.06.382,

41.56.023, 41.56.201, 28B.16.015, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; providing effective dates; and providing an expiration date.

Referred to Committee on State Government.

HB 3166 by Representatives Thomas, Dunshee, Woods, Rockefeller, Carrell, Conway, Delvin, Linville, Crouse, Fisher, McDonald, Edwards, Huff, Romero, Mulliken, Constantine, Pennington, Keiser, Scott, Reardon, Quall, Morris, Clements, Fortunato, Carlson, Sump, Wensman, Esser, Dunn, Van Luven, Anderson, Cooper, Gombosky, Kenney, Kastama, Lantz, Ogden, Ruderman, Stensen, Hurst, Lambert, G. Chandler, Ballasiotes, Radcliff, Talcott, Haigh, Kessler, Grant, Cody, Barlean, Schoesler, Mielke, Wood, Schual-Berke, Regala, Miloscia, Edmonds, O'Brien, Wolfe, Lovick, Dickerson, Veloria, Benson, Sullivan, Alexander, Lisk, Pflug, Parlette, Koster, Campbell, Hankins and D. Schmidt

AN ACT Relating to providing a five hundred dollar credit against state property taxes for senior citizens and disabled persons eligible for property tax exemptions, without shifting taxes; amending RCW 84.36.381 and 84.52.080; and creating a new section.

Referred to Committee on Finance.

HB 3167 by Representatives Dunshee, Thomas, O'Brien, Pennington, Wood, McDonald, Edmonds, Pflug, Miloscia, B. Chandler, Anderson, Mulliken, Stensen, Esser, Hurst, Alexander, Haigh, Benson, Cody, Koster, Dickerson, Conway, Huff, Cooper, Parlette, Linville, Campbell, Keiser, Constantine, Ericksen, Romero, Talcott, Kastama, Lambert, Ogden, Ruderman, Barlean, Morris, Clements, Fortunato, Carrell, Carlson, Sump, Wensman, Dunn, Van Luven, Gombosky, Scott, Lantz, Edwards, Reardon, Skinner, G. Chandler, Ballasiotes, Radcliff, Grant, Mielke, Regala, Wolfe, Lovick, Veloria, Fisher, Rockefeller, Sullivan, Woods, Lisk, Hankins, D. Schmidt and Kessler

AN ACT Relating to providing a two hundred dollar credit against state property taxes for persons sixty-four years of age or older without shifting taxes; amending RCW 84.36.385, 84.36.387, 84.36.389, and 84.52.080; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 3168 by Representatives Huff, H. Sommers, Mitchell, Fisher, Hankins, Haigh, Woods, Kenney, D. Schmidt, Murray, Alexander, Edmonds, Miloscia, Schindler, Schual-Berke, Anderson, Stensen, Dickerson, McIntire, Rockefeller, Linville, Kessler, Ogden, Cody, Barlean, Scott, Keiser, Cooper, Edwards, O'Brien, Lovick, Lantz, Morris, Benson, Sullivan, Talcott, Ballasiotes and Esser

AN ACT Relating to providing funding for transportation and ferry purposes; amending RCW 43.135.035; adding a new section to chapter 82.32 RCW; adding new sections to chapter 43.79 RCW; adding a new section to chapter 39.42 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3169 by Representatives Barlean, Doumit, Huff, H. Sommers, D. Schmidt, Ruderman, Hankins, Edmonds, Alexander, Kenney, Schindler, Miloscia, Tokuda, Quall, Lantz, Linville, Fortunato, Boldt, Fisher, Edwards, Constantine, Romero, Scott, Keiser, Schual-Berke, McIntire, Kastama, Hatfield, Carlson, McDonald, Kessler, Ogden, Dunshee, Cooper, Wood, Regala,

O'Brien, Stensen, Anderson, Wolfe, Morris, Veloria, Benson, Hurst, Rockefeller, Sullivan, Woods, Lisk, Parlette, Campbell, Talcott, Ballasiotes and Thomas

AN ACT Relating to modifying the state expenditure limit law by strengthening the expenditure limit and providing for timely deposits to the education construction fund; amending RCW 43.135.025, 43.135.035, and 43.135.045; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3170 by Representatives H. Sommers, Huff, Scott, Mulliken, Doumit, Mielke, Grant, Carrell, Linville, Ericksen, Edwards, Barlean, Fisher, Campbell, Dunshee, D. Schmidt, Haigh, Koster, Hurst, Sump, Conway, Alexander, Dickerson, McIntire, Schual-Berke, Santos, Buck, Rockefeller, Schoesler, Kastama, Keiser, Romero, Cairnes, Regala, Fortunato, Carlson, McDonald, Hatfield, Kessler, Ruderman, Ogden, Cooper, Wood, Miloscia, O'Brien, Anderson, Wolfe, Lovick, Lantz, Veloria, Stensen, Benson, Woods, Lisk, Skinner, Talcott, Ballasiotes, Hankins, Pennington, Thomas and Esser

AN ACT Relating to financial assistance to local governments; amending RCW 43.135.035; adding new sections to chapter 43.135 RCW; adding a new section to chapter 43.79 RCW; adding a new section to chapter 39.42 RCW; creating a new section; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3171 by Representatives Quall, Talcott, H. Sommers, Huff, Rockefeller, Woods, Schual-Berke, Alexander, Haigh, Schindler, Keiser, Boldt, Stensen, Mielke, Santos, Bush, Linville, McDonald, Hurst, Hankins, Conway, Kessler, Kastama, Ruderman, Edwards, Scott, Dunshee, Constantine, Romero, Mulliken, Carlson, Sump, Wensman, Esser, Dunn, Van Luven, Skinner, G. Chandler, Ballasiotes, Radcliff, Thomas, Ogden, Cody, Barlean, Cooper, Wood, Regala, Miloscia, O'Brien, Anderson, Wolfe, Lovick, Lantz, Tokuda, Morris, Dickerson, Veloria, Fisher, Benson, Sullivan, Lisk, Parlette, Campbell, Fortunato, D. Schmidt, Clements, Buck, Pennington and Mastin

AN ACT Relating to improving funding for education; amending RCW 43.135.035, 67.70.040, and 67.70.240; adding a new section to chapter 28A.300 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HJM 4029 by Representatives Cooper, Linville, Constantine, McIntire, Kessler, Barlean, Scott, Keiser, Cody, Stensen, Fisher, Santos, Morris, Fortunato and Rockefeller

Petitioning Congress to amend the Oil Pollution Act of 1990 to grant additional authority to states and to strengthen federal tanker, large cargo, and passenger vessel safety standards.

Referred to Committee on Agriculture & Ecology.

HJR 4223 by Representatives Thomas, Cairnes, Talcott, Sump, Wensman, Ericksen, Pflug, Schindler, Delvin, Lisk, Mastin, DeBolt, McDonald, B. Chandler, Mielke, D. Sommers, Pennington, Boldt, Barlean, Esser, Ballasiotes, G. Chandler, Huff, Clements, Buck, Carrell, Lambert, Campbell, Woods, Fortunato, D. Schmidt, Mulliken, Benson and Morris

Amending the Constitution to require voter approval of tax increases.

Held on 1st Reading.

ESB 6368 by Senators Brown, Franklin, Wojahn, Prentice, Costa, Kohl-Welles, McAuliffe, Fairley, Thibaudeau, B. Sheldon, Bauer, Gardner, Rasmussen, Jacobsen, Patterson, Goings and Spanel

Allowing unemployment benefits during lockouts.

Held on 1st Reading.

ESB 6402 by Senators Fairley, Winsley, Fraser, Goings, Kohl-Welles, McAuliffe, Gardner, Bauer, Costa, Shin, Kline, Franklin, Spanel, Snyder, Prentice, Hargrove, Brown, Patterson, Eide, Wojahn, Thibaudeau, Jacobsen, Rasmussen and B. Sheldon; by request of Governor Locke

Enacting the civil service reform act of 2000.

Held on 1st Reading.

2SSB 6404 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland and Rossi; by request of Governor Locke)

Making supplemental operating and capital appropriations.

Referred to Committee on Appropriations.

2SSB 6499 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Goings, Gardner and Patterson; by request of Governor Locke)

Funding transportation.

Referred to Committee on Transportation.

2ESSB 6513 by Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice, McCaslin, Kline, Gardner, Winsley, Kohl-Welles, Spanel and Costa; by request of Attorney General)

Protecting privacy of personal information in commercial transactions.

Held on 1st Reading.

SSB 6845 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland and Snyder)

Reconciling actual revenues and the expenditure limit.

Referred to Committee on Appropriations.

E2SSB 6856 by Senate Committee on Transportation (originally sponsored by Senators Goings, Gardner, Haugen, Prentice and Jacobsen)

Revising transportation funding.

Referred to Committee on Transportation.

SB 6865 by Senators Loveland, Snyder, Eide, Franklin, McCaslin, Horn, Bauer, T. Sheldon, McAuliffe, Hargrove, Zarelli, Shin, Hale, Swecker, Long, Winsley, Haugen, Gardner, Deccio, Rossi, Patterson, Costa, Rasmussen, Roach, Goings, Benton, Johnson, Honeyford, Stevens, Oke and West

Replacing vehicle excise taxes with a fixed license fee.

SJR 8212 by Senators Loveland, Winsley, Fairley, Haugen, Snyder, Fraser, Patterson, Bauer, Wojahn, Spanel, B. Sheldon, Rasmussen, Oke, Gardner, Thibaudeau and Goings

Providing a tax credit on owner-occupied residential property.

Referred to Committee on Finance.

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

There being no objection, the rules were suspended and Senate Bill No. 6865 was placed on the Second Reading calendar.

There being no objection, the rules were suspended, the Rules Committee was relieved of House Bill No. 2788, and the bill was placed on the Second Reading calendar.

There being no objection, the rules were suspended, the Rules Committee was relieved of Substitute House Bill No. 3128, and the bill was placed on the Third Reading calendar.

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

There being no objection, the House adjourned until 1:30 p.m., Wednesday, March 22, 2000, the 13th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWELFTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 21, 2000

JOURNAL OF THE HOUSE

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

THIRTEENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

NOON SESSION

House Chamber, Olympia, Wednesday, March 22, 2000

The House was called to order at 1:30 p.m. by Speaker Chopp.

Speaker Chopp called upon Representative Ogden to preside.

The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chloe Birnel and Kristin White. Prayer was offered by Representative Brian Thomas.

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

INTRODUCTIONS AND FIRST READING

HB 3159 by Representatives Dunshee, O'Brien, Morris, Kastama, Keiser, Conway, Ruderman, Miloscia, Rockefeller, Lantz and Kessler

AN ACT Relating to eliminating vehicle excise taxes; repealing RCW 82.44.010, 82.44.015, 82.44.020, 82.44.022, 82.44.023, 82.44.025, 82.44.030, 82.44.041, 82.44.060, 82.44.065, 82.44.080, 82.44.090, 82.44.100, 82.44.110, 82.44.120, 82.44.130, 82.44.140, 82.44.150, 82.44.155, 82.44.157, 82.44.160, 82.44.170, 82.44.180, 82.44.900, 82.50.010, 82.50.060, 82.50.090, 82.50.170, 82.50.250, 82.50.400, 82.50.530, 82.50.405, 82.50.410, 82.50.425, 82.50.435, 82.50.440, 82.50.460, 82.50.510, 82.50.520, 82.50.540, and 82.50.901; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

REPORTS OF STANDING COMMITTEES

March 22, 2000

HB 3166 Prime Sponsor, Representative Thomas: Providing a five hundred dollar credit against state property taxes for senior citizens and disabled persons. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Santos; Van Luven and Veloria.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Santos, Van Luven and Veloria.

March 22, 2000

HB 3167 Prime Sponsor, Representative Dunshee: Providing a two hundred dollar credit against state property taxes for persons sixty-four years of age or older. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Democratic Co-Chair; Thomas, Republican Co-Chair; Cairnes, Republican Vice Chair; Reardon, Democratic Vice Chair; Carrell; Conway; Cox; Dickerson; Pennington; Van Luven and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representative Santos.

Voting yea: Representatives Dunshee, Thomas, Cairnes, Reardon, Carrell, Conway, Cox, Dickerson, Pennington, Van Luven and Veloria.

Voting nay: Representative Santos.

March 22, 2000

HB 3168 Prime Sponsor, Representative Huff: Providing funding for transportation and ferry purposes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representative Gombosky.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

March 22, 2000

HB 3169 Prime Sponsor, Representative Barlean: Strengthening the state expenditure limit and providing for timely deposits to the education construction fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt;

Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representative Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump and Tokuda.

Voting nay: Representative Wensman.

March 22, 2000

HB 3170 Prime Sponsor, Representative H. Sommers: Providing financial assistance to local governments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

On page 2, line 10, after "operations," insert " fire protection services, transportation,"

On page 12, beginning on line 1, strike all of section 6 and insert the following:

"NEW SECTION. Sec. 6. In addition to the requirements for the study required by section 3 of Chapter __, Laws of 2000 (SHB 2392) for the joint task force on local governments, the joint task force on local governments shall identify appropriate levels of ongoing state funding of city and county program costs and the manner in which such funding would be distributed. The joint task force on local governments shall consider factors that may be incorporated into distribution mechanisms to provide equalization funding for jurisdictions based on incorporation, growth, economic conditions, or other economic changes."

On page 13, line 4, after "section" strike "only" and insert "solely"

On page 13, line 5, after "riparian" insert ", marine, or estuarine"

On page 13, line 25, before "projects" insert ", marine, and estuarine"

On page 13, line 25, after "projects or" strike "riparian"

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

March 22, 2000

HB 3171 Prime Sponsor, Representative Quall: Improving funding for education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

On page 6, after line 21, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 39.42 RCW to read as follows:
Deposits in the better schools account under sections 3 and 4 of this act shall not be deducted
from the calculation of general state revenues under RCW 39.42.060."

Renumber remaining section consecutively and correct title and internal references accordingly.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair;
Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican
Vice Chair; Alexander; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser;
Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette;
Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

MINORITY recommendation: Without recommendation. Signed by Representative Benson.
Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander,
Benson, Boldt, Clements, Cody, Crouse, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert,
Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman,
Sullivan, Sump, Tokuda and Wensman.

March 22, 2000

2SSB 6404 Prime Sponsor, Committee on Ways & Means: Making supplemental operating and capital
appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 1999 c 309 s 101 (uncodified) is amended to read as follows:
FOR THE HOUSE OF REPRESENTATIVES
General Fund--State Appropriation (FY 2000) \$

	((24,853,000))
	<u>24,841,000</u>
General Fund--State Appropriation (FY 2001) \$	((26,061,000))
	<u>25,977,000</u>
Department of Retirement Systems Expense Account--State Appropriation \$	((25,000))
	<u>45,000</u>
TOTAL APPROPRIATION \$	((50,939,000))
	<u>50,863,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation (~~for fiscal year 2000~~) is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$394,000 of the general fund--state appropriation is provided to support the legislature's participation in the redistricting process in conjunction with the redistricting commission.

(3) The task force on funding of fairs and youth shows is created. The task force shall be composed of the following members:

(a) One member of the office of financial management appointed by the governor;

(b) Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives;

(c) Two members of the senate, one from each major caucus, appointed by the president of the senate;

(d) One representative of the department of agriculture, appointed by the director;

(e) One representative of the horse racing commission, appointed by the chair of the horse racing commission;

(f) Three representatives of fairs, appointed by the president of the state fairs association, representing community fairs, large county and area fairs, and small county and area fairs;

(g) Two representatives of youth shows, one representing 4-H youth programs appointed by the dean of the college of agriculture at Washington State University; the other representing future farmers of America programs appointed by the agricultural teachers association;

(h) One representative of the horse racing industry appointed by agreement of the co-speakers of the house of representatives and president of the senate; and

(i) One representative of county governments, appointed by the Washington association of counties.

Members shall be appointed by May 1, 2000. Staff support for the task force shall be provided by legislative committee staff.

The task force shall develop recommendations on the amount and source or sources of funding needed to encourage fairs and youth shows and any legislative proposals needed to implement the task force recommendations. The task force shall provide these recommendations to the appropriate fiscal committees of the legislature by November 15, 2000.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for expert consultation on legal and policy issues related to options for caring for persons with developmental disabilities who need involuntary commitment. The 1999-2001 biennial appropriations act provides more than \$14,000,000 to the department of social and health services to improve services to this program.

Sec. 102. 1999 c 309 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2000) \$

((19,749,000))

19,736,000

General Fund--State Appropriation (FY 2001) \$

((21,525,000))

21,442,000

Department of Retirement Systems Expense Account--State Appropriation \$

((25,000))

45,000

TOTAL APPROPRIATION \$

((41,299,000))

41,223,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 from the general fund--state appropriation for fiscal year 2000 is provided to contract for a study of policies and practices for setting information services rates paid by state agencies. The study shall include an analysis of the effect of current and alternative depreciation policies and schedules on rates and revolving fund balances.

(2) \$25,000 of the general fund--state appropriation (~~(for fiscal year 2000)~~) is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(3) \$394,000 of the general fund--state appropriation is provided to support the legislature's participation in the redistricting process in conjunction with the redistricting commission.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for expert consultation on legal and policy issues related to options for caring for persons with developmental disabilities who need involuntary commitment. The 1999-2001 biennial appropriations act provides more than \$14,000,000 to the department of social and health services to improve services to this program.

Sec. 103. 1999 c 309 s 108 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2000) \$	((4,837,000))
	<u>4,980,000</u>
General Fund--State Appropriation (FY 2001) \$	((5,027,000))
	<u>5,114,000</u>
TOTAL APPROPRIATION \$	((9,864,000))
	<u>10,094,000</u>

Sec. 104. 1999 c 309 s 110 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2000) \$	((10,946,000))
	<u>11,086,000</u>
General Fund--State Appropriation (FY 2001) \$	((11,415,000))
	<u>11,687,000</u>
TOTAL APPROPRIATION \$	((22,361,000))
	<u>22,773,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$338,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Senate Bill No. 5037 (Pierce county court of appeals). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2000 and ~~((150,000))~~ \$180,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for providing compensation adjustments to nonjudicial staff of the court of appeals. Within the funds provided in this subsection, the court of appeals shall determine the specific positions to receive compensation

adjustments based on recruitment and retention difficulties, new duties or responsibilities assigned, and salary inversion or compression within the court of appeals.

Sec. 105. 1999 c 309 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2000) \$	1,225,000
General Fund--State Appropriation (FY 2001) \$	1,307,000
Public Works Assistance Account--State Appropriation \$	405,000
TOTAL APPROPRIATION \$	2,937,000

The appropriations in this section are subject to the following conditions and limitations: The legislative evaluation and accountability program committee shall convene a work group to explore the feasibility of a central repository for teacher education and experience information and to make recommendations for establishing a central repository. The feasibility study shall analyze the costs and benefits of a central repository including, but not limited to, the following:

- (1) Data accuracy;
- (2) Administrative and training costs;
- (3) Benefits to teachers;
- (4) Possible use of the internet and other information technology;
- (5) Methods that could be used to better ensure data reliability and integrity;
- (6) Impact on audit efficiencies;
- (7) Cost estimates to implement a central repository; and
- (8) Estimated savings that a central repository would generate compared to the current

methods.

The work group shall include the office of the superintendent of public instruction, the office of the state auditor, the department of information services, and a representative from each of the following: Teachers, a large school district, a small school district, educational service districts, school administrators, and others at the discretion of the committee. The committee shall provide staffing for the work group with assistance from the state agencies in the work group. The committee shall provide its feasibility study and recommendations to the education and fiscal committees of the legislature by December 15, 2000.

Sec. 106. 1999 c 309 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2000) \$	((1,604,000))
	1,634,000
General Fund--State Appropriation (FY 2001) \$	((1,661,000))
	1,976,000
TOTAL APPROPRIATION \$	((3,265,000))
	3,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$280,000 of the general fund--state appropriation is provided for conducting a study of the mental health system. The study shall include, but not be limited to:

~~((1))~~ (a) An analysis of the roles and responsibilities of the division of mental health in the department of social and health services, with regard to regional support networks (RSNs) and community mental health providers;

~~((2))~~ (b) An analysis of the funding of the RSNs through contracts let by the division of mental health, including the basis for per capita payment rates paid to the regional support networks and any federal requirements related to the federal medicaid waiver under which the current mental health system operates;

~~((3))~~ (c) An analysis of actual and contractual service levels, outcomes, and costs for RSNs, including the types and hours of services provided, costs of services provided, trends in per client service expenditures, and client outcomes;

~~((4))~~ (d) An analysis of RSN and subcontractor service and administrative costs, fund balances, contracting practices, client demographics, and outcomes over time;

~~((5))~~ (e) An analysis of contracts between RSNs and community mental health providers, with emphasis on costs, services, performance, and client outcomes, including any accountability standards, performance measures, data requirements, and sanctions and incentives currently in the contract between the regional support networks and the mental health division; and

~~((6))~~ (f) Recommendations for modifying the basis on which RSNs and community mental health providers are funded, including a funding formula that will result in a greater relationship of the funding distribution formula to the prevalence of mental illness in each RSN service area, to efficiency as demonstrated by performance measures and to effectiveness as demonstrated by patient outcome.

The joint legislative audit and review committee may contract for consulting services in conducting the study.

The study shall be submitted to the fiscal committees of the legislature by December 1, 2000.

(2) \$135,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a study of bilingual education.

(a) The committee shall require the office of the superintendent of public instruction to prepare a follow-up report on how it has implemented the recommendations contained in the legislative budget committee report number 92-3, "K-12 transitional bilingual instruction program." This follow-up report shall also include updated information on the length of stay in bilingual programs, testing methods for entry into and exit from the program, descriptions of program variations, and the relationship between length of stay and student achievement. The committee shall review and assess the superintendent's report and present its findings to the fiscal committees of the house of representatives and the senate by December 15, 2000.

(b) In addition, the committee shall review and, if appropriate, make recommendations for changes to the funding allocation methods for transitional bilingual programs, and present its findings to the fiscal committees of the house of representatives and senate by December 14, 2001.

(3) \$30,000 of the general fund--state appropriation for fiscal year 2000 and \$80,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a study of the K-12 special education program. The study shall focus on the following issues: A review of the findings of the special education program audit summary reports prepared by the state auditor in 1999 and 2000; the adequacy of the excess cost definition for the special education program adopted by the superintendent of public instruction; the ability to determine individual school districts' safety net funding need in light of differing accounting methods in use by school districts; the ability to uniformly determine individual school districts' safety net funding need in light of differing service delivery practices. If appropriate, the committee shall recommend changes to the current definition of excess cost or to the method of distribution of safety net funding. The final report shall be submitted to the legislature no later than June 30, 2002. Interim findings shall be submitted by November 20, 2000, and November 20, 2001.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a review of the K-12 local effort assistance program known as "levy equalization." In conducting the review, the committee shall work in consultation with the legislative evaluation and accountability program, the office of the superintendent of public instruction, the office of financial management, and the fiscal and appropriate policy committees of the legislature. The committee shall review and update

the 1997 study of levy equalization conducted by the house of representatives and senate fiscal committees. The update shall include an analysis of other issues associated with the levy equalization method of distributing state resources to school districts. If appropriate, the committee shall recommend changes to the current K-12 local effort assistance program. The committee shall provide a preliminary report to the fiscal and appropriate policy committees of the legislature by December 15, 2000, and shall provide a final report by September 30, 2001.

Sec. 107. 1999 c 309 s 112 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2000) \$	((12,114,000))
	<u>13,172,000</u>
General Fund--State Appropriation (FY 2001) \$	((12,280,000))
	<u>14,609,000</u>
Public Safety and Education Account--State Appropriation \$	((24,981,000))
	<u>25,055,000</u>
Judicial Information Systems Account--State Appropriation \$	((17,617,000))
	<u>18,250,000</u>
TOTAL APPROPRIATION \$	((66,992,000))
	<u>71,086,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.
- (2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions.
- (3) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.
- (4) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.
- (5) \$278,000 of the general fund--state appropriation for fiscal year 2000, \$285,000 of the general fund--state appropriation for fiscal year 2001, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.
- (6) \$200,000 of the public safety and education account appropriation is provided solely for a unified family court pilot program. Of this amount, \$150,000 is provided for the costs of establishing the program and \$50,000 is provided for costs associated with evaluating the efficacy of the program. The pilot program grant is limited to the 1999-01 biennium. After this time, it is assumed that funding

for continuation of the unified family court or expansion to other counties would be provided by local jurisdictions based on the results of the evaluation of the program.

(7) \$130,000 of the general fund--state appropriation for fiscal year 2000 and \$130,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the new judicial positions authorized by Engrossed Senate Bill No. 5036 (superior court judges).

(8) \$132,000 of the general fund--state appropriation for fiscal year 2000 and \$136,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state's portion of increased costs in the superior court mandatory arbitration program.

(9) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to increase the number of children served by court-appointed special advocates in dependency matters. The office of the administrator for the courts, after consulting with the Washington association of juvenile court administrators and the Washington association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

Sec. 108. 1999 c 309 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2001) \$

	<u>4,000,000</u>
Public Safety and Education Account--State Appropriation \$	((12,440,000))
	<u>13,219,000</u>
<u>TOTAL APPROPRIATION \$</u>	<u>17,219,000</u>

The appropriations in this section (~~(is)~~) are subject to the following conditions and limitations:

(1) \$558,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1599 (court funding). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4)(a) \$579,000 of the public safety and education account appropriation in this section is provided solely for the partial reimbursement of extraordinary criminal justice costs incurred by counties in 1999. Within the amount provided in this subsection, the office shall distribute the amount as follows:

(i) \$278,000 to Cowlitz County;

(ii) \$26,000 to Franklin County; and

(iii) \$275,000 to Thurston County.

(b) The amount provided in this subsection does not constitute a state obligation for future costs incurred by these counties.

(5)(a) The entire general fund--state appropriation and \$150,000 of the public safety and education account appropriation are provided solely for a portion of the financial responsibility of contracting for indigent representation for dependency and termination hearings. The amounts in this subsection constitute a transfer of local costs under RCW 43.135.060(2).

(b) Within the amounts provided in this subsection, the director shall conduct a dependency and termination legal representation funding pilot program.

(i) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(A) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(B) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(C) Use of investigative and expert services in appropriate cases; and

(D) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(ii) The pilot program shall be established in one eastern and one western Washington juvenile court.

(iii) The director shall contract for an independent evaluation of the pilot program benefits and costs. An interim evaluation shall be submitted to the governor and fiscal committees of the legislature no later than January 1, 2001. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than ninety days following the close of the 1999-01 fiscal biennium.

(6) \$50,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2491 (DNA testing of offenders). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 109. 1999 c 309 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2000) \$	5,762,000
General Fund--State Appropriation (FY 2001) \$	((5,720,000))
	<u>4,135,000</u>
General Fund--Federal Appropriation \$	((674,000))
	<u>104,000</u>
Water Quality Account--State Appropriation \$	((700,000))
	<u>350,000</u>
TOTAL APPROPRIATION \$	((12,856,000))
	<u>10,351,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~(1) ((\$1,612,000 of the general fund--state appropriation for fiscal year 2000, \$1,588,000 of the general fund--state appropriation for fiscal year 2001, \$700,000 of the water quality account appropriation, and \$209,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.~~

~~(2) \$465,000 of the general fund--federal appropriation and \$200,000 of the general fund--state appropriation are provided solely for the salmon recovery office to meet its responsibilities for the state-wide salmon recovery strategy. Of this amount: (a) \$200,000 of the general fund--state appropriation is provided for the operation of the independent science panel; and (b) \$465,000 of the~~

~~general fund— federal appropriation is provided for the salmon recovery office staff to support local salmon recovery planning efforts. \$232,500 of the general fund— federal appropriation in this subsection may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

~~(3)) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the salmon recovery office to support the efforts of the independent science panel.~~

~~(2) \$62,000 of the fiscal year 2000 general fund--state appropriation and \$63,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing the salmon recovery funding board in the office of the governor. If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(3) \$3,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Senate Bill No. 5408 (state medal of valor).~~

Sec. 110. 1999 c 309 s 115 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2000) \$	((333,000))
	<u>338,000</u>
General Fund--State Appropriation (FY 2001) \$	((332,000))
	<u>348,000</u>
General Fund--Federal Appropriation \$	160,000
TOTAL APPROPRIATION \$	((825,000))
	<u>846,000</u>

Sec. 111. 1999 c 309 s 116 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2000) \$	((1,724,000))
	<u>1,849,000</u>
General Fund--State Appropriation (FY 2001) \$	((1,496,000))
	<u>1,807,000</u>
TOTAL APPROPRIATION \$	((3,220,000))
	<u>3,656,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~(((\$328,000)) \$426,000 of the general fund--state appropriation for fiscal year 2000 and (((\$86,000)) \$397,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5931 (electronic filing and public access). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.~~

Sec. 112. 1999 c 309 s 117 (uncodified) is amended to read as follows:
FOR THE SECRETARY OF STATE
 General Fund--State Appropriation (FY 2000) \$

	((14,063,000))
	<u>14,043,000</u>
General Fund--State Appropriation (FY 2001) \$	((8,371,000))
	<u>8,399,000</u>
General Fund--Private/Local Appropriation \$	120,000
Archives and Records Management Account--State Appropriation \$	((5,401,000))
	<u>5,489,000</u>
Archives and Records Management Account--Private/Local Appropriation \$	((2,581,000))
	<u>4,123,000</u>
Department of Personnel Service Account--State Appropriation \$	681,000
TOTAL APPROPRIATION \$	((31,217,000))
	<u>32,855,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,355,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$3,780,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of presidential preference primary election costs.

(3) \$2,106,000 of the general fund--state appropriation for fiscal year 2000 and \$2,663,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2000 and \$125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for legal advertising of state measures under RCW 29.27.072.

(5)(a) \$1,870,350 of the general fund--state appropriation for fiscal year 2000 and \$1,907,757 of the general fund--state appropriation for fiscal year 2001 are provided solely for continuing the contract with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance during the 1999-2001 biennium.

(b) The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(6) \$867,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

(7) \$120,000 of the general fund--private/local appropriation is provided solely for the Washington quality awards council.

(8) \$20,000 of the general fund--state appropriation for fiscal year ((2000)) 2001 is provided solely for the operations of the task force on archaeology and historic preservation. The task force shall develop a single recommendation for consideration by the legislature and the governor on the issue of the location of the office of archaeology and historic preservation within state government. The recommended location shall maximize the office of archaeology and historic preservation's stature, visibility, accessibility, and delivery of service state-wide in the context of its critical role as an important link among downtown and neighborhood revitalization efforts, the cultural tourism movement, rural economic development initiatives, and the preservation of the structures and sites that still remain as the legacy of Washington's rich and diverse heritage. The task force shall consider and include in its recommendation how best both to realize the potential of the office of archaeology and historic preservation to generate revenue from services it could provide in international, national, state, local, and private venues and also how best to achieve adequate funding from all funding sources to assure that the office of archaeology and historic preservation can provide the best possible service to the citizens of the state. There shall be eleven members of the task force as follows: One member shall be the state historic preservation officer or his or her designee; two members shall be representatives of state agencies; two members shall be representatives of local governments; there shall be one representative each from the Washington state historical society, the eastern Washington state historical society, the Washington trust for historic preservation, and Indian tribes; and two members shall be representatives of the private sector who have experience in preservation of historic buildings or archaeological sites or who have particular interest in the issue of preservation of historic buildings and archaeological sites. The state historic preservation officer shall be the chair of the task force. The task force shall report to appropriate committees of the legislature and the governor by January 1, ((2000)) 2001.

Sec. 113. 1999 c 309 s 120 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State Appropriation \$

((13,487,000))

14,244,000

The appropriation in this section is subject to the following conditions and limitations: \$757,000 of the state treasurer's service account appropriation is provided to address on-going compliance with federal tax codes. Of this amount, up to \$400,000 is provided for a contract to conduct a compliance review of the state treasurer's debt management program. The state finance committee shall define the scope of the compliance review and oversee the contract.

Sec. 114. 1999 c 309 s 123 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2000) \$

((32,000))

General Fund--State Appropriation (FY 2001) \$	67,000
	((118,000))
	<u>128,000</u>
TOTAL APPROPRIATION \$	((150,000))
	<u>195,000</u>

The appropriations in this section are subject to the following conditions and limitations and are sufficient for the commission to: (1) Carry out statutorily required public hearings; (2) enter into an agreement with the department of personnel to provide data sharing, research support, and training for commission members and staff; (3) employ part-time staff in fiscal year 2000 to respond to requests for information; and (4) begin full-time staffing in September 2000 to allow for orientation and training for commission members prior to the next salary setting cycle. ~~((The commission shall work with the department of general administration to reduce its operating costs by colocating with another state agency, and shall report back to the fiscal committees of the legislature by December 15, 1999.))~~ \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$10,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for office rent for the remainder of the biennium, increased AFRS and consolidated mail costs, general administration consulting services, and unexpected commission meeting costs related to litigation. Future funding for lease costs beyond the current biennium shall be contingent upon the agency's colocation with another agency.

Sec. 115. 1999 c 309 s 124 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2000) \$	((3,906,000))
	<u>4,079,000</u>
General Fund--State Appropriation (FY 2001) \$	((3,889,000))
	<u>4,557,000</u>
General Fund--Federal Appropriation \$	((2,291,000))
	<u>2,526,000</u>
Public Safety and Education Account--State Appropriation \$	1,338,000
New Motor Vehicle Arbitration Account--State Appropriation \$	1,109,000
Legal Services Revolving Account--State Appropriation \$	((117,287,000))
	<u>118,476,000</u>
TOTAL APPROPRIATION \$	((129,820,000))
	<u>132,085,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted

to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) \$154,000 of the fiscal year 2000 general fund--state appropriation and \$308,000 of the fiscal year 2001 general fund--state appropriation are provided solely for the costs associated with the legal defense of Initiative Measure No. 695.

(4) \$486,000 of the legal services revolving account appropriation is provided solely to support activities related to vulnerable adults. Such activities include providing technical assistance for guardianships, financial exploitation cases, protection orders, and providing assistance to police and prosecutors addressing vulnerable adults.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for costs associated with enforcing state authority on taxation of liquor with respect to Resolution T-022-00 adopted by the Confederated Tribes and Bands of the Yakama Nation.

Sec. 116. 1999 c 309 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2000) \$

((72,469,000))

72,434,000

General Fund--State Appropriation (FY 2001) \$

((71,387,000))

72,825,000

General Fund--Federal Appropriation \$

((153,575,000))

171,275,000

General Fund--Private/Local Appropriation \$

6,918,000

Public Safety and Education Account--State Appropriation \$

8,793,000

Public Works Assistance Account--State Appropriation \$

2,344,000

Building Code Council Account--State Appropriation \$

((1,375,000))

1,325,000

Administrative Contingency Account--State Appropriation \$

1,776,000

Low-Income Weatherization Assistance Account--State Appropriation \$

3,289,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$

6,051,000

Manufactured Home Installation Training Account--State Appropriation \$

252,000

Washington Housing Trust Account--State Appropriation \$

((4,685,000))

Public Facility Construction Loan Revolving Account--State Appropriation \$	<u>4,770,000</u>
Film and Video Promotion Account--State Appropriation \$	522,000
	<u>40,000</u>
TOTAL APPROPRIATION \$	((333,436,000))
	<u>352,614,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,962,500 of the general fund--state appropriation for fiscal year 2000 and ((~~\$3,602,500~~)) \$3,672,500 of the general fund--state appropriation for fiscal year 2001 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 biennium.

(2) \$61,000 of the general fund--state appropriation for fiscal year 2000 and \$62,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item DCTED-01.

(3) \$11,893,320 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2000 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,552,800 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$240,000 to the department for grants to support tribal law enforcement needs;

(e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington for the implementation of sections 7 through 10 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing);

(f) \$312,551 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$200,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) \$667,075 to the department to continue domestic violence legal advocacy;

(i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(j) \$91,000 to the department to continue the governor's council on substance abuse;

(k) \$99,000 to the department to continue evaluation of Byrne formula grant programs;

(l) \$1,519,244 to the office of financial management for criminal history records improvement;

(m) \$804,400 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs;

(n) \$290,000 to the Washington state patrol solely for costs associated with the supervision, coordination, and reimbursement for local law enforcement officers' participation in the task force on missing and exploited children established by Second Substitute Senate Bill No. 5108 (missing/exploited children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or

current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) \$11,101,954 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2001 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,363,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$240,000 to the department for grants to support tribal law enforcement needs;

(e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington for the implementation of sections 7 through 10 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing);

(f) \$302,551 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$200,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) \$667,075 to the department to continue domestic violence legal advocacy;

(i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(j) \$90,000 to the Washington association of sheriffs and police chiefs to complete the state and local components of the national incident based reporting system;

(k) \$30,000 to the department to expand integrated domestic violence training of law enforcement, prosecutors, and domestic violence advocates;

(l) \$17,559 to the department to initiate the planning for a state-wide drug and violent crime threat assessment to be conducted in conjunction with the Northwest high intensity drug trafficking area and the department of social and health services, division of alcohol and substance abuse;

(m) \$45,000 to the department to expand the number of prosecutors participating in the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(n) \$91,000 to the department to continue the governor's council on substance abuse;

(o) \$99,000 to the department to continue evaluation of Byrne formula grant programs;

(p) \$1,014,419 to the office of financial management for criminal history records improvement;
and

(q) \$825,100 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(5) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the tourism office to increase rural tourism development, consumer marketing, and international marketing.

~~((5))~~ (6) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a grant program to help communities design and carry out rural economic development projects.

~~((6))~~ (7) \$1,250,000 of the general fund--state appropriation for fiscal year 2000, and \$1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to operate, repair, and staff shelters for homeless families with children.

~~((7))~~ (8) \$2,500,000 of the general fund--state appropriation for fiscal year 2000 and \$2,500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to operate transitional housing for homeless families with children. The grants may also be used to make partial payments for rental assistance.

~~((8))~~ (9) \$1,250,000 of the general fund--state appropriation for fiscal year 2000 and \$1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for consolidated emergency assistance to homeless families with children.

~~((9))~~ (10) \$50,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to develop a plan for a system for collecting reliable and accurate data on homeless persons. The plan shall provide at least two approaches based on a range of possible budgets. The plan shall be provided to the governor's office and the legislative fiscal committees no later than November 1, 1999.

~~((10))~~ (11) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided to the department solely for providing technical assistance to developers of housing for farmworkers.

~~((11))~~ (12) \$160,000 of the public works assistance account appropriation is solely for providing technical assistance to local communities that are developing the infrastructure needed to support the development of housing for farmworkers.

~~((12))~~ (13) \$205,000 of the general fund--state appropriation for fiscal year 2000 and \$205,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to Washington Columbia river gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county, and \$20,000 is provided for Clark county.

~~((13))~~ (14) \$500,000 of the general fund--state fiscal year 2000 appropriation and \$500,000 of the general fund--state fiscal year 2001 appropriation are provided solely for grants to Grays Harbor county as lead agency to support local coastal erosion activities and partnership with state and federal agencies in the southwest Washington coastal erosion study.

~~((14))~~ (15) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to food banks and food distribution centers. At least \$65,000 of the amount provided in each fiscal year shall be utilized for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

~~((15))~~ (16) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the establishment of state trade office activity in South Korea.

~~((16))~~ (17) \$698,000 of the general fund--state appropriation for fiscal year 2000, \$698,000 of the general fund--state appropriation for fiscal year 2001, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations.

~~((17) \$220,000)~~ (18) \$185,000 of the general fund--state appropriation for fiscal year 2000 and ~~((90,000))~~ \$409,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5693 (developmental disabilities endowment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

~~((18))~~ (19) \$970,000 of the general fund--state appropriation for fiscal year 2000 is provided solely as a grant to the Washington council on international trade as partial support for the 1999 world trade organization meeting.

~~((19))~~ (20) \$500,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for a grant to Pierce county to construct a joint state/county recreation facility on state property in the South Hill area near Puyallup. The grant provided in this subsection is contingent upon an agreement that the county will assume full maintenance and operation of the facility.

~~((20))~~ (21) \$22,000 of the general fund--state appropriation for fiscal year 2000 and \$22,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department's role in implementing Engrossed Second Substitute House Bill No. 1493 (homeless children and families). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

~~((21))~~ (22) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to support the spirit 2000 millennium celebration project.

~~((22))~~ (23) \$20,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to assist the Tri-Cities cultural arts center to develop a plan to bring the arts to eastern Washington.

~~((23))~~ (24) \$125,000 of the general fund--state appropriation for fiscal year 2000 and \$125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase the number of trained volunteer long-term care ombudsmen available to serve elderly or disabled residents living in licensed boarding homes and adult family homes.

~~((24))~~ (25) \$150,000 of the general fund--state appropriation for fiscal year 2000 is provided solely as a grant to preserve the Mukai farm and garden.

~~((25))~~ (26) \$21,000 of the general fund--state appropriation for fiscal year 2000 is provided solely as a matching grant to support the Washington state senior games. State funding shall be matched with at least an equal amount of private or local government funds.

~~((26))~~ (27) \$500,000 of the general fund--state appropriation for fiscal year 2000 ~~((and \$500,000 of the general fund--state appropriation for fiscal year 2001 are))~~ is provided solely to increase the number of children served by a court-appointed special volunteer advocate guardian ad litem in dependency proceedings. The funds shall be distributed by the department to local and state court-appointed special advocate programs based on the number of children without volunteer court-appointed special advocate representation. \$200,000 of the general fund--state fiscal year 2001 appropriation is provided solely to contract with a private nonprofit corporation to provide state-wide technical support, development, and enhancement of court-appointed special advocate programs.

~~((27))~~ (28) \$1,125,000 of the general fund--state appropriation for fiscal year 2000 and \$1,125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for King county for the purpose of local public health. The amounts in this subsection shall be deposited into the county public health account.

~~((28))~~ (29) \$1,157,000 of the general fund--state appropriation for fiscal year 2000 and \$1,723,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Spokane intercollegiate research and technology institute.

(30) \$425,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Spokane intercollegiate research and technology institute (SIRTI). This amount is contingent on the completion of a joint plan developed with Washington State University that identifies:

(a) How SIRTI and the university will work collaboratively to fulfill the current SIRTI goals and mission, including research, commercialization of digital, environmental, and biotechnologies, and development of venture capital;

(b) SIRTI governance, and the maintenance of a local board that will provide guidance and oversight for commercialization and technology transfer initiatives;

(c) Moving appropriate university research programs to Spokane;

(d) Strategies for strengthening higher education collaboration in Spokane;

(e) Resource development strategies to secure funds from nonstate sources to provide adequate support for commercialization and technology transfer efforts;

(f) The full and efficient use of resources, including space and budget, consistent with the goals and mission of SIRTI;

(g) Performance measures for impacts on the economy of Spokane and eastern Washington resulting from SIRTI activities such as:

- (i) The amount of new research that SIRTI attracts to Spokane;
- (ii) The number of new products incubated through SIRTI in the Spokane area;
- (iii) The number of new products capitalized in the Spokane area through SIRTI;
- (iv) The number of jobs produced by start-ups through SIRTI; and
- (h) Strategies for reducing the need for state funding for SIRTI administrative, operating, and program management costs over time.

By April 15, 2000, SIRTI and the university will provide the office of financial management and the legislature with an operational plan that identifies the actions to be taken to meet their agreed-upon goals. Funds will be released only after receipt of a plan that meets these requirements, subject to a determination by the director of financial management in consultation and agreement with the higher education coordinating board, Spokane area baccalaureate institutions and the department of community, trade, and economic development.

(31) \$250,000 of the general fund--state fiscal year 2001 appropriation is provided to support development of a proposal to site a spaceport facility in the Moses Lake area for the Lockheed Martin venture star project. In the event that Lockheed Martin does not proceed with a request for proposal process for the venture star project, the amounts provided in this subsection shall lapse.

(32) \$300,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for sexual assault prevention and treatment programs.

(33) \$85,000 of the Washington housing trust account appropriation is provided solely to implement House Bill No. 3105 or Senate Bill No. 6805 (apportioning a sales and use tax for zoos, aquariums, wildlife preserves, and regional parks). If neither bill is enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(34) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely as pass-through funding to currently licensed overnight youth shelters.

(35) \$110,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the office of archeology and historic preservation. The office is to remain in current leased space pending the results of the study regarding the future organizational status of the office.

(36) \$50,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for pilot projects that provide voice mail services to homeless families and individuals for the purposes of employment and housing searches.

(37) \$500,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for deposit into the state building construction account for the purpose of expanding grants to currently approved and prioritized projects in the community services facilities grant program.

(38) \$5,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington state millennium project as designated by the national endowment for the arts.

(39) \$62,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Substitute House Bill No. 2460 (community empowerment zones). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 117. 1999 c 309 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2000) \$	((12,791,000))
	12,600,000
General Fund--State Appropriation (FY 2001) \$	((11,855,000))
	13,308,000
General Fund--Federal Appropriation \$	23,340,000
General Fund--Private/Local Appropriation \$	500,000
TOTAL APPROPRIATION \$	

((48,486,000))

49,748,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to evaluate and promote the use by state and local agencies of the training facilities at the Hanford reservation.

(2) Funding in this section provides for a feasibility study to collect Washington enrollment data on distance learning programs sponsored by in-state and out-of-state private institutions in cooperation with the higher education coordinating board and the state board for community and technical colleges. Findings shall be submitted to the appropriate committees of the legislature by January 2000.

(3) \$75,000 of the fiscal year 2000 general fund--state appropriation and \$75,000 of the fiscal year 2001 general fund--state appropriation are provided solely to track and administer state and federal funding for salmon recovery allocated by the salmon recovery funding board established under Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079.

(4) The office of financial management, in collaboration with the institutions of higher education, the higher education coordinating board, and the state board for community and technical colleges, shall modify state information systems in order to provide consistent data on students engaged in distance learning. Higher education institutions shall provide enrollment information in support of this effort. Reporting on the numbers and categories of students enrolled in distance learning by class level and institutions shall begin by fall term, 2000. Washington independent institutions of higher education are encouraged to participate in this process and to provide distance learner enrollment data.

(5) \$1,000,000 of the general fund--state appropriation and \$500,000 of the general fund--private/local appropriation are provided solely for the commission on early learning. One-half of the amount provided from the general fund--state shall not be expended unless matched by an equal amount from private sources.

(6) \$329,000 of the general fund--state appropriation for fiscal 2001 is provided solely to develop a centralized database of social service contract information as recommended by the task force on agency contracting services.

(7) \$689,000 of the general fund--state appropriation is provided solely for information systems improvements at the department of fish and wildlife, including a network upgrade, purchase of personal computers, and support for agency information systems.

(8) \$795,000 of the general fund--state appropriation is provided solely for improvements in the basic business practices at the department of fish and wildlife, including budget monitoring, cost accounting, time accounting and payroll systems, and license revenue forecasting.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the task force on health care reinsurance established by Second Substitute Senate Bill No. 6067 (health insurance coverage). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(10) \$285,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the office of financial management to adopt and publish uniform guidelines for the effective and efficient management of personal service contracts and client service contracts by all state agencies, conduct training on these guidelines for agency personnel, and conduct risk-based audits of personal service and client service contracts, as provided in Second Substitute House Bill No. 2738 (state agency personal service contract practices).

(a) The guidelines shall, at a minimum, include: (i) Accounting methods, systems, measures, and principles to be used by agencies and contractors; (ii) precontract procedures for selecting potential contractors based on their qualifications and ability to perform; (iii) incorporation of performance measures and measurable benchmarks in contracts, and the use of performance audits; (iv) uniform contract terms to ensure contract performance and compliance with state and federal standards; (v) proper payment and reimbursement methods to ensure that the state receives full value for taxpayer moneys, including cost settlements and cost allowance; (vi) post-contract procedures, including

methods for recovering improperly spent or overspent moneys for disallowance and adjustment; (vii) adequate contract remedies and sanctions to ensure compliance; (viii) monitoring, fund tracking, risk assessment, and auditing procedures and requirements; (ix) financial reporting, record retention, and record access procedures and requirements; (x) procedures and criteria for terminating contracts for cause or otherwise; and (xi) other subjects related to effective and efficient contract management.

(b) The office of financial management shall provide a training course for agency personnel responsible for executing and managing personal service contracts and client service contracts. The course must contain training on effective and efficient contract management under the guidelines established under this subsection.

(c) The office of financial management shall conduct risk-based audits of the contracting practices associated with individual personal service and client service contracts from multiple state agencies to ensure compliance with the guidelines established in this subsection. In fiscal year 2001, the office of financial management shall conduct a minimum of eighteen risk-based audits, involving at least six contracts from each of at least three agencies. The office of financial management shall forward the results of the audits conducted under this subsection to the governor, the appropriate standing committees of the legislature, and the joint legislative audit and review committee.

(11) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the creation of the citizens' alliance for government accountability.

(a) The citizens' alliance for government accountability shall be composed of a panel of six members as follows: The governor or the governor's designee; the state auditor or the state auditor's designee; and four citizen members. The leaders of the two major party caucuses of the house of representatives and the senate shall each appoint one of the citizen members. The members of the alliance shall select a chair from one of the four citizen members.

(b) All members of the citizens' alliance for government accountability panel shall be reimbursed for travel expenses incurred in the performance of duties of the alliance in accordance with RCW 43.03.050 and 43.03.060.

(c) The citizens' alliance for government accountability shall perform the following duties:

(i) Evaluate whether state government and its agencies make strategic and consistent efforts to engage citizens in a dialogue, regarding accountability for programs and services;

(ii) Assess the success of state agencies in implementing and using new technologies and financial management systems to improve services, facilitate citizen access, measure and enhance the satisfaction of state agency customers;

(iii) Determine how agencies can use independent and comprehensive reviews to affirm the effectiveness and efficiency of state government agency management and use of public resources; and

(iv) Assess how agencies and the legislature use performance based budgets and performance agreements to improve results of program operations.

(d) The citizens' alliance for government accountability shall make recommendations to improve state government efficiency, effectiveness, organization, operations, and accountability, and to achieve costs savings. By December 31, 2000, the alliance shall present the governor and the appropriate committees of the legislature with a strategic work plan to accomplish its recommendations.

(12) \$30,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a review of K-12 regional cost differences. The office of financial management shall conduct research, including a review of existing methods of determining regional cost differences. Regional cost differences shall include, but not be limited to, the cost of renting, leasing, or purchasing housing. The office of financial management shall report findings on cost differences on a regional basis and make recommendations on options for mitigating these differences to the appropriate committees of the house of representatives and senate by December 15, 2000.

(13) \$243,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for an audit of the state ferry capital program. The audit of ferry capital operations shall determine the following: Whether the ferry system is acquiring, protecting, and using its resources economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the ferry system has complied with laws and regulations governing economy and efficiency. This audit shall build on audits performed by, or under the direction of, the joint legislative audit and review committee on ferry capital operations. In establishing the scope of this audit, the director of financial management shall

solicit public comments from interested parties and benchmark the state ferry capital operations to other public and private ferry capital operations. To address the intent of this subsection, the director may contract for specialized expertise. The audit report shall be delivered on or before January 1, 2001, to the governor and to the fiscal committees of the state legislature.

(14) Within funds provided in this section, the office of financial management shall conduct a study of: (a) Rate setting methods and policies for subsidized child care; (b) the various state programs for low-income families with children; and (c) the best method for coordinating and consolidating child care and early education programs currently funded by state government. The child care rate study shall analyze the effects of rate setting policy on the affordability and quality of the overall child care market. The study of state programs for low-income families shall compare and contrast eligibility and access to these programs and identify ways to coordinate or consolidate these programs to reduce administrative costs and improve access. The child care and early education program study shall evaluate how current programs may be coordinated and consolidated to provide the most efficient level of administration, grant funding, and increased accessibility by families who are served by these programs. The office shall submit a report to the department of social and health services and the appropriate committees of the legislature by December 1, 2000.

Sec. 118. 1999 c 309 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State Appropriation \$	16,999,000
Higher Education Personnel Services Account--State Appropriation \$	1,640,000
TOTAL APPROPRIATION \$	18,639,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.
- (3) \$515,000 of the department of personnel service account appropriation is provided solely for the development and implementation of a new employment application processing system to: Provide for electronic applications via the internet, provide continuous application acceptance, provide increased public access to job openings, allow for single applications for multiple jobs, and provide for scanning of larger applicant databases as job openings arise.
- (4) \$190,000 of the department of personnel service account appropriation is provided solely for the expansion of the executive fellowship program.
- (5) \$108,000 of the department of personnel service account appropriation is provided solely for increased funding of the administrative expenses of the combined fund drive.
- (6) \$52,000 of the department of personnel service account appropriation is provided solely to implement House Bill No. 5432 (retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (7) The department of personnel has the authority to charge agencies for expenses associated with converting its payroll/personnel computer system to accommodate the year 2000 date change. Funding to cover these expenses shall be realized from the agency FICA savings associated with the pretax benefits contributions plan.
- (8) The department shall prepare a plan, in cooperation with the citizens' commission on salaries for elected officials, for providing office space for the commission in a department office building pursuant to an interagency agreement. The plan: (a) Shall provide for a separate, secured office for the 2001-03 biennium; (b) may provide for support services upon the mutual agreement of the department and commission; and (c) shall reflect both the commission's independent status and the need to provide for the most cost-effective structure for commission operations. The plan shall be submitted to the office of financial management and the appropriate fiscal committees of the house of representatives and senate by November 1, 2000.

Sec. 119. 1999 c 309 s 136 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS
Dependent Care Administrative Account--State Appropriation \$

	361,000
Department of Retirement Systems Expense Account--State Appropriation \$	((41,182,000))
	<u>44,725,000</u>
TOTAL APPROPRIATION \$	((41,543,000))
	<u>45,086,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$92,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 5030 (Washington state patrol surviving spouse retirement). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(2) \$259,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1024 (retirement system option). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 6012 (investment board fund values). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$22,000 of the department of retirement systems expense account appropriation is provided solely to implement Senate Bill No. 5432 (PERS retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$50,000 of the department of retirement systems expense account appropriation is provided solely for the department to prepare and distribute to state employees information about options under the federal tax code for tax-advantaged retirement savings.

(6) \$3,731,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the electronic document image management system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(7) The department shall adjust the retirement systems administrative rate during the 1999-2001 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding for a study of LEOFF plan 1 medical liabilities by the office of the state actuary.

(8) \$293,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 2604 (survivor options). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) \$2,879,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 120. 1999 c 309 s 137 (uncodified) is amended to read as follows:
FOR THE STATE INVESTMENT BOARD
State Investment Board Expense Account--State Appropriation \$

	((10,519,000))
	<u>11,137,000</u>

Sec. 121. 1999 c 309 s 142 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
General Fund--State Appropriation (FY 2000) \$

General Fund--State Appropriation (FY 2001) \$	279,000
	((279,000))
General Fund--Federal Appropriation \$	<u>622,000</u>
General Fund--Private/Local Appropriation \$	2,116,000
<u>State Capitol Vehicle Parking Account--State Appropriation \$</u>	417,000
	<u>92,000</u>
Air Pollution Control Account--State Appropriation \$	((379,000))
	<u>95,000</u>
General Administration Services Account--State Appropriation \$	((43,976,000))
	<u>46,003,000</u>
Energy Efficiency Services Account--State Appropriation \$	((199,000))
	<u>431,000</u>
TOTAL APPROPRIATION \$	((47,645,000))
	<u>50,055,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop an allocation method for tort defense costs with the office of the attorney general and selected agency representatives. A report shall be submitted to the office of financial management and the fiscal committees of the house of representatives and the senate by June 30, 2000, on how the agencies will be billed for their tort defense services from the liability account. If Substitute House Bill No. 2111 (consolidates tort activities) is not enacted by June 30, 1999, this subsection shall lapse.

(2) \$92,000 of the state capitol vehicle parking account--state appropriation and \$27,000 of the general administration services account--state appropriation are provided solely for the continued operation of the state-wide commute trip reduction program.

(3) \$343,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to conduct the capitol tour program.

Sec. 122. 1999 c 309 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account--State Appropriation \$	3,605,000
K-20 Technology Account--State Appropriation \$	((7,400,000))
	<u>4,040,000</u>
TOTAL APPROPRIATION \$	((11,005,000))
	<u>7,645,000</u>

The appropriations in this section are subject to the following conditions and limitations:
 ((~~\$7,400,000~~)) \$4,040,000 of the K-20 technology account appropriation is provided solely for the completion of the K-20 network development plan through phase 2.

Sec. 123. 1999 c 309 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State Appropriation \$	((1,119,000))
	<u>1,254,000</u>

Sec. 124. 1999 c 309 s 148 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2000) \$	1,293,000
General Fund--State Appropriation (FY 2001) \$	1,284,000
Liquor Control Board Construction and Maintenance Account--State Appropriation \$	((8,013,000))
	<u>9,998,000</u>
Liquor Revolving Account--State Appropriation \$	((129,361,000))
	<u>129,422,000</u>
TOTAL APPROPRIATION \$	((139,951,000))
	<u>141,997,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,804,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$105,000 of the liquor revolving account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5712 (motel liquor licenses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$300,000 of the liquor revolving account appropriation is provided solely for the board to develop a business plan. The board shall provide copies of the plan to the office of financial management and the fiscal committees of the legislature by September 30, 1999.

(4) \$1,985,000 of the liquor control board construction and maintenance account appropriation is provided solely for the operation of the temporary distribution center.

(5) \$53,000 of the liquor revolving account appropriation is provided solely to train new enforcement agents at the criminal justice training commission. Agents hired during the 1999-01 biennium shall attend the basic law enforcement academy program offered by the criminal justice training commission. Agents who have previously completed the basic law enforcement academy program offered by the criminal justice training commission, or who have previously completed the Washington trooper basic training program, shall not be required to attend the basic law enforcement academy program. Nothing in this subsection makes liquor officers eligible for membership in the law enforcement and fire fighters' pension systems. In cooperation with the board, the training commission shall establish a training curriculum that is appropriate for liquor enforcement officers.

(6) \$8,000 of the liquor revolving account--state appropriation is provided solely for the creation of a liquor agencies advisory committee within the board, whose purpose is to foster

communication between the legislature, the Washington state liquor control board, and the liquor agencies.

(a) The committee shall consist of two members of the Washington state liquor control board, two representatives of the liquor agencies nominated by the Washington association of retail liquor agencies, and two members from each of the senate and house of representatives commerce committees. The liquor agencies advisory committee shall elect a chair from among its members, and shall meet at least twice a year, and may meet as often as is necessary.

(b) The advisory committee shall make recommendations when requested by the legislative commerce committees, or on its own initiative, about revisions to fee and commission structures.

(c) The advisory committee shall prepare a comprehensive analysis and evaluation of the liquor agencies fees and commissions. The analysis and evaluation must consider, at a minimum, unique and significant financial, legislative, or other relevant developments that may impact fees and commissions. The advisory committee shall make recommendations for fee and commission revisions to the legislative commerce committees by June 30, 2001.

Sec. 125. 1999 c 309 s 149 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--State Appropriation (FY 2001) \$

	<u>368,000</u>
Public Service Revolving Account--State Appropriation \$	25,966,000
Public Service Revolving Account--Federal Appropriation \$	652,000
TOTAL APPROPRIATION \$	((26,618,000))
	<u>26,986,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the public service revolving account--state appropriation is provided solely for a study of costs incurred by electric, natural gas, telecommunications, and water utilities and railroads, except railroads owned and operated by the state and municipal corporations, for the placement of new and existing utilities facilities within railroad rights-of-way. The commission shall: ~~((1))~~ (a) Identify all expenses that are directly incurred by railroads to permit the safe construction and maintenance of utility facilities within the railroad right-of-way, including costs related to administering the issuance of a permit, inspecting construction, and flagging construction for safety; ~~((2))~~ (b) identify any extraordinary expenses which may be incurred by utilities and railroads as a result of utility facilities being located within the railroad right-of-way, including costs related to emergency response; ~~((3))~~ (c) examine the amount and scope of insurance that may be necessary for utilities and railroads to cover risks associated with railroad property and utility facilities located within the railroad right-of-way; ~~((4))~~ (d) compare and analyze different methods used or that could be used, for the purposes of determining compensation paid by utilities, to value railroad right-of-way property on which utility facilities are located; ~~((5))~~ (e) compare and analyze how terms, conditions, and fees imposed by railroads upon utilities for placing utility facilities within the railroad right-of-way have changed over time; and ~~((6))~~ (f) make any recommendations it deems pertinent based upon its findings. The commission shall consult with the chairs and ranking minority members of the senate energy, technology, and telecommunications committee and the house or representatives technology, telecommunications, and energy committee throughout the course of study and shall submit its report to the legislature and the governor by December 1, 1999.

(2) \$368,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement House Bill No. 2420 (pipeline safety). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 126. 1999 c 309 s 151 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2000) \$	((18,568,000))
	<u>11,655,000</u>
General Fund--State Appropriation (FY 2001) \$	((8,264,000))
	<u>8,981,000</u>
General Fund--Federal Appropriation \$	22,148,000
General Fund--Private/Local Appropriation \$	238,000
Enhanced 911 Account--State Appropriation \$	((16,491,000))
	<u>19,507,000</u>
Disaster Response Account--State Appropriation \$	((18,970,000))
	<u>10,336,000</u>
Disaster Response Account--Federal Appropriation \$	((94,733,000))
	<u>45,032,000</u>
Worker and Community Right to Know Fund--State Appropriation \$	285,000
TOTAL APPROPRIATION \$	((179,697,000))
	<u>118,182,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$10,174,000~~)) \$2,926,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for deposit in the disaster response account to cover costs pursuant to section 402(9) of this act and subsection (2) of this section.

(2) ((~~\$18,970,000~~)) \$10,336,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster 1079 (November/December 1995 storms), FEMA disaster 1100 (February 1996 floods), FEMA disaster 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), FEMA disaster 1172 (March 1997 floods), FEMA disaster 1252 (1998 northeast counties floods), and FEMA disaster 1255 (Kelso landslide). The military department may, upon approval of the director of the office of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2001. The military department is to submit a report quarterly to the office of financial management and the fiscal committees of the house of representatives and senate detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information is to be displayed by individual disaster, by fund, and by type of assistance.

(3) ((~~\$75,000~~)) \$100,000 of the general fund--state fiscal year 2000 appropriation and ((~~\$75,000~~)) \$100,000 of the general fund--state fiscal year 2001 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$35,000 of the general fund--state fiscal year 2000 appropriation and \$35,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the north county emergency medical service.

(5) \$57,000 of the general fund--state appropriation for fiscal year 2000 and \$57,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for emergency preparedness activities of state agencies related to the Hanford nuclear site. If additional federal moneys are received for purposes of this subsection, it is the intent of the legislature that those funds shall be used to supplant the existing state appropriation.

(6) \$278,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the costs of activating the national guard during the world trade organization conference in Seattle.

(7) \$550,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for lawsuit and settlement costs associated with the 1996 floods.

(8) \$5,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for national guard license plate insignia.

Sec. 127. 1999 c 379 s 947 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2000) \$

((3,000,000))

General Fund--State Appropriation (FY 2001) \$

2,000,000

1,000,000

TOTAL APPROPRIATION \$

3,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section ((is)) are provided for emergency services readiness centers in Bremerton, Yakima, and Spokane. The \$2,000,000 general fund--state appropriation for fiscal year 2000 is provided solely for the design and/or construction of the Bremerton and Spokane readiness centers. The \$1,000,000 general fund--state appropriation for fiscal year 2001 is provided solely for the design and/or construction of the Yakima armory.

Sec. 128. 1999 c 309 s 154 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Operating Account--State Appropriation \$

29,963,000

State Convention and Trade Center Account--State Appropriation \$

2,471,000

TOTAL APPROPRIATION \$

32,434,000

Sec. 129. 1999 c 309 s 125 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2000) \$

((406,000))

General Fund--State Appropriation (FY 2001) \$

431,000

((404,000))

TOTAL APPROPRIATION \$

479,000

((810,000))

910,000

The appropriations in this section are subject to the following conditions and limitations:
\$25,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of House Bill No. 2344 (community supervision caseloads).

Sec. 130. 1999 c 309 s 140 (uncodified) is amended to read as follows:

FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund--State Appropriation (FY 2000) \$	1,766,000
((General Fund--State Appropriation (FY 2001) \$	1,822,000))
<u>City and Town Research Services Account--State Appropriation \$</u>	<u>1,699,000</u>
County Research Services Account--State Appropriation \$	681,000
TOTAL APPROPRIATION \$	((4,269,000))
	<u>4,146,000</u>

Sec. 131. 1999 c 309 s 144 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation \$	304,000
Insurance Commissioners Regulatory Account--State Appropriation \$	((24,738,000))
TOTAL APPROPRIATION \$	<u>25,086,000</u>
	((25,042,000))
	<u>25,390,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the insurance commissioner's regulatory account appropriation is provided solely for funding agreements with insurance companies, to counsel policyholders and administer the liquidation of insurance companies.

(2) \$730,000 of the insurance commissioner's regulatory account appropriation is provided solely for performing market conduct exams on life and annuity policies.

(3) \$306,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5509 (Holocaust insurance enforcement). Expenditures from this amount shall not exceed regulatory revenues received under the bill. If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$167,000 of the insurance commissioners regulatory account is provided solely to implement Second Substitute Senate Bill No. 6199 (patient bill of rights). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(5) \$181,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement section 1 of Engrossed Second Substitute Senate Bill No. 6067 (individual health insurance coverage). If section 1 of Engrossed Second Substitute Senate Bill No. 6067 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

PART II

HUMAN SERVICES

Sec. 201. 1999 c 309 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2000, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2000 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) and (c) of this section.

(b) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2000 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, voluntary placement, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

Sec. 202. 1999 c 309 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$	((207,273,000))
	<u>205,114,000</u>
General Fund--State Appropriation (FY 2001) \$	((223,208,000))
	<u>218,580,000</u>
General Fund--Federal Appropriation \$	((337,357,000))
	<u>349,446,000</u>
General Fund--Private/Local Appropriation \$	400,000
Violence Reduction and Drug Enforcement Account--State Appropriation \$	4,194,000
TOTAL APPROPRIATION \$	

((772,432,000))

777,734,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$594,000 of the general fund--state appropriation for fiscal year 2000, \$1,964,000 of the general fund--state appropriation for fiscal year 2001, and \$195,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 5557 (the HOPE act) or sections 10 through 29 of Engrossed Second Substitute House Bill No. 1493. If neither bill is enacted by June 30, 1999, the funds shall be provided for:

(a) The department to contract for 10 temporary residential placements, for up to 30 days, for youth by June 30, 2000, and for 29 temporary residential placements for youth by June 30, 2001. These youth shall be sixteen to eighteen years old who are dependents of the state, and who live outdoors or in unsafe locations not intended for occupancy by a minor, and whose permanency plan of care does not include return to home or family reunification. The department shall contact the missing children's clearinghouse regarding these youth. The department may approve placements for fourteen and fifteen-year olds who also meet these criteria. Youth who receive these placements may receive one or more of the following services: Educational services, vocational training, job readiness assistance, job search assistance, chemical dependency treatment, and counseling; and

(b) For the department to contract for 10 residential placements for dependent youth by June 30, 2000, and for 29 residential placements for youth by June 30, 2001. These youth shall be aged sixteen through eighteen who live outdoors or in unsafe locations not intended for occupancy by a minor, and whose permanency plan does not include return to home or family reunification. These placements may be available to youth up to eighteen years of age. Youth who receive these placements shall receive training related to one or more of the following: Basic education, employment, money management and other skills that will assist the youth in developing independent living skills.

(2) ~~((\$2,745,000 of the fiscal year 2000 general fund--state appropriation, \$2,745,000 of the fiscal year 2001 general fund--state appropriation, and \$1,944,000 of the general fund--federal appropriation are provided for the category of services titled "intensive family preservation services."))~~ Within the existing appropriation, intensive family preservation services shall be provided in all regions according to the department's model in chapter 74.14C RCW.

(3) \$670,925 of the general fund--state fiscal year 2000 appropriation and \$670,925 of the general fund--state fiscal year 2001 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(4) \$513,000 of the general fund--state fiscal year 2000 appropriation and \$513,000 of the general fund--state fiscal year 2001 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(5) ~~((\$3,440,000))~~ \$5,440,000 of the general fund--state appropriation for fiscal year 2000 and ~~((\$3,441,000))~~ \$7,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The

formula shall neither reward counties with higher than average per petition processing costs nor shall it penalize counties with lower than average per petition processing costs.

(6) Each quarter during the 1999-01 fiscal biennium, each county shall report the number of petitions processed and the total costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(7) \$2,311,000 of the fiscal year 2000 general fund--state appropriation, \$2,370,000 of the fiscal year 2001 general fund--state appropriation, and \$4,182,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks.

(8) \$90,000 of the general fund--state appropriation for fiscal year 2000, \$91,000 of the general fund--state appropriation for fiscal year 2001, and \$64,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1619 (foster parent reimbursements). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(9) \$121,000 of the general fund--state appropriation for fiscal year 2000, \$101,000 of the general fund--state appropriation for fiscal year 2001, and \$80,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1668 (foster parent training). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$213,000 of the general fund--state appropriation for fiscal year 2000, \$93,000 of the general fund--state appropriation for fiscal year 2001, and \$78,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). ~~((If neither of these bills is enacted by June 30, 1999, the amounts provided in this subsection shall lapse.))~~

(11) \$140,000 of the fiscal year 2001 state general fund appropriation is provided solely for the department to establish and maintain a toll-free telephone number and an electronic on-line system for communication of information regarding child day-care centers and family day-care providers. This number shall be available during standard business hours, and during nonbusiness hours callers shall be able to leave messages. The number shall be published in reasonably available printed and electronic media. The number shall be easily identifiable as a method that callers may use to determine whether a day-care provider is licensed, determine whether a day-care provider is in good standing regarding licensing requirements, determine the general nature of enforcement actions against the provider, obtain information on how to report suspected or observed noncompliance with licensing requirements, obtain information on how to report health, safety, and welfare concerns, receive follow-up assistance including information on the office of the family and children's ombudsman, and receive referral information on other agencies or entities that may be of further assistance to the caller. Upon request, the department shall disclose the receipt, general nature, current status and resolution of all complaints on record with the department after the effective date of this section against a child day-care center or family day-care provider that result in an enforcement action. The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers consistent with chapter 42.17 RCW. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(12) \$348,000 of the general fund--federal appropriation is provided solely for the department to determine the character of persons who have unsupervised access to children in care, including exempt child care providers defined in RCW 74.15.020, through a conviction record and pending charges check at the Washington state patrol, in order to authorize payment for care. If a check through the Washington state patrol or the federal bureau of investigation has been completed within the preceding year of the department's request, the department may rely upon the previous check for

persons who confirm no offenses have been committed within the last year. This subsection does not establish any obligation, duty, or cause of action.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for allocation, without deduction for administrative costs by the department, to the educational institute for rural families to ensure continued seasonal child care in region two of the department. These funds are not intended to supplant the contracted rate of reimbursement or the total reimbursement for the provision of seasonal child care by this provider.

(14) \$174,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a foster parent retention pilot program. This program will be directed at foster parents caring for children who act out sexually, as described in House Bill No. 2709 (foster parent retention program).

(15) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Substitute House Bill No. 2588 (domestic violence fatalities).

(16) The amounts provided in this section are sufficient to implement Engrossed Second Substitute Senate Bill No. 6400 (domestic violence).

Sec. 203. 1999 c 309 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2000) \$	((32,816,000))
	<u>31,939,000</u>
General Fund--State Appropriation (FY 2001) \$	((34,094,000))
	<u>34,842,000</u>
General Fund--Federal Appropriation \$	((8,072,000))
	<u>9,732,000</u>
General Fund--Private/Local Appropriation \$	380,000
Juvenile Accountability Incentive Account--Federal Appropriation \$	((5,427,000))
	<u>6,548,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation \$	((21,034,000))
	<u>20,977,000</u>
TOTAL APPROPRIATION \$	((101,823,000))
	<u>104,418,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$666,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$5,742,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(c) \$1,161,000 of the general fund--state appropriation for fiscal year 2000, \$1,162,000 of the general fund--state appropriation for fiscal year 2001, \$5,000,000 of the violence reduction and drug enforcement account appropriation, and \$177,000 of the juvenile accountability incentive account--federal appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(d) (~~(\$2,507,000)~~) \$2,419,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(e) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(f) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(g) \$75,000 of the general fund--state appropriation for fiscal year 2000 (~~(is)~~) and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a contract for expanded services of the teamchild project.

(h) \$75,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the Skagit county delinquency prevention project.

(i) \$350,000 of the general fund--state appropriation for fiscal year 2000, \$735,000 of the general fund--state appropriation for fiscal year 2001, \$229,000 of the general fund--federal appropriation, and \$673,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(j) (~~(\$1,191,000 of the general fund--state appropriation for fiscal year 2000, \$1,191,000 of the general fund--state appropriation for fiscal year 2001 and \$356,000 of the general fund--federal appropriation are provided solely for parole services for lower risk youth.))~~ No later than January 1, 2001, the Washington state institute for public policy shall report to the legislature on the outcomes of low and moderate risk juvenile rehabilitation administration offenders who were released without supervision compared to those who were released with supervision. The study shall compare both the recidivism rates as well as the nature of any new criminal offenses each group commits. The legislature shall consider the results of this study in making any decision to continue or revise parole services for this group of offenders.

(k) \$16,000 of the general fund--state appropriation for fiscal year 2000 and \$16,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5214 (firearms on school property). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse. The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of Substitute Senate Bill No. 5214 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(1) \$31,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to section 204 of this 2000 act.

(2) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 2000) \$	((47,599,000))
	<u>46,937,000</u>
General Fund--State Appropriation (FY 2001) \$	((48,799,000))
	<u>45,856,000</u>
General Fund--Private/Local Appropriation \$	740,000
Violence Reduction and Drug Enforcement Account--State Appropriation \$	15,282,000
TOTAL APPROPRIATION \$	((112,420,000))
	<u>108,815,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$37,000 of the general fund--state appropriation for fiscal year 2000 and \$74,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(3) PROGRAM SUPPORT	
General Fund--State Appropriation (FY 2000) \$	1,419,000
General Fund--State Appropriation (FY 2001) \$	((1,418,000))
	<u>1,421,000</u>
General Fund--Federal Appropriation \$	((320,000))
	<u>317,000</u>
Juvenile Accountability Incentive Account--Federal Appropriation \$	1,100,000
Violence Reduction and Drug Enforcement Account--State Appropriation \$	421,000
TOTAL APPROPRIATION \$	4,678,000

NEW SECTION. Sec. 204. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE OFFENDER CO-OCCURRING DISORDER PILOT PROGRAM

\$867,000 from the juvenile accountability incentive account--federal is appropriated to the department of social and health services, juvenile rehabilitation administration, community services program, solely to implement a pilot program to provide for postrelease planning and treatment of

juvenile offenders with co-occurring disorders. The secretary shall select and contract with a private or nonprofit provider to provide a program of specialized access and integrated services to juvenile offenders who are identified as having co-occurring disorders and selected for participation in the pilot program prior to release from total confinement within the juvenile rehabilitation administration. The program shall enroll no more juvenile offenders than the number that can be accommodated within the appropriated funding level and shall seek to fill any vacancies that occur.

Juvenile offenders identified by the secretary and selected by the program as having co-occurring disorders and a high risk of reoffending are eligible for consideration for enrollment in the program.

(1) Criteria for admission into the program shall include a determination by the secretary that the offender:

(a) Has a mental disorder as defined in chapter 71.05 RCW, or is a severely emotionally disturbed child or a seriously disturbed person as defined in chapter 71.24 RCW and needs continued mental health treatment;

(b) Has a chemical abuse disorder, as determined by the secretary;

(c) Is less likely to reoffend if he or she receives integrated, highly individualized treatment;

(d) Is unable or unlikely to obtain appropriate treatment from other sources; and

(e) Will remain under the supervision of the secretary for at least four months following release from total confinement.

(2) The program enrollment shall, to the extent possible, reflect the demographics of juvenile offenders having co-occurring disorders and who are in total confinement under the jurisdiction of the secretary.

(3) The provider shall provide research-based, integrated, and highly individualized mental health and chemical abuse treatment to persons enrolled in the program. The services shall emphasize family and community involvement and shall be aimed at:

(a) Lowering the risk of reoffending;

(b) Improving the education level and vocational opportunities;

(c) Connecting the offenders with appropriate community services;

(d) Achieving abstinence from unlawful use of controlled substances and alcohol;

(e) Improving the mental health status and stability of the juvenile; and

(f) Increasing prosocial behavior.

(4) The services offered in the program shall:

(a) Include intensive, community-based case management and treatment with a client-to-staff ratio not to exceed seven offenders to each case manager;

(b) Be available at any time;

(c) Be based on a collaboration with the appropriate department employees during the preparation of a release plan for the offender, prior to discharge, and in on-going supervision of the offender by the secretary;

(d) Include all appropriate medications, including the full range of psychotropic medications, as well as monitoring and counseling to support offender understanding, acceptance, and compliance with medication regimens;

(e) Include a systematic effort to engage offenders and their families, where possible, to continuously involve themselves in current and long-term treatment and appropriate rehabilitative activities;

(f) Include classes appropriate to the clinical and living needs of the offender and to his or her level of understanding;

(g) Provide assistance in applying for all appropriate federal, state, and private support for which the offender or his or her family is eligible; and

(h) Include access to daily activities such as school, drop-in centers, prevocational and vocational training and jobs, and volunteer activities.

(5) The pilot program must begin providing services to selected juveniles no later than September 1, 2000.

Sec. 205. 1999 c 309 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2000) \$	((166,271,000))
	<u>165,723,000</u>
General Fund--State Appropriation (FY 2001) \$	((174,541,000))
	<u>179,190,000</u>
General Fund--Federal Appropriation \$	((306,547,000))
	<u>305,644,000</u>
General Fund--Local Appropriation \$	1,827,000
<u>Health Services Account Appropriation \$</u>	<u>1,225,000</u>
TOTAL APPROPRIATION \$	((649,186,000))
	<u>653,609,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) ((~~\$600,000~~)) \$711,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$616,000~~)) \$757,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to directly reimburse eligible providers for the medicaid share of mental health services provided to persons eligible for both medicaid and medicare.

(d) \$64,000 of the general fund--state appropriation for fiscal year 2000 and \$150,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for regional support networks to participate in prerelease treatment planning and to conduct involuntary commitment evaluations, as required by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(e) \$5,000 of the general fund--state appropriation for fiscal year 2000 and \$466,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for case management and other community support services, as authorized by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a pilot project demonstrating new and collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of WAC 275-57. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional

support network in the department's medicaid waiver agreement with the federal government. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; (ii) protocols, guidelines, and handbooks suitable for use by other school districts and regional support networks seeking to replicate the pilot project's approach; and (iii) intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) \$47,000 of the general fund--state appropriation for fiscal year 2000 and \$47,000 of the general fund--state appropriation for fiscal year 2001 are provided for implementation of Substitute Senate Bill No. 5214 (firearms on school premises). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

(h) \$1,000,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2663 (atypical antipsychotic medications). If Substitute House Bill No. 2663 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse. Prior to implementing the projects established in the bill, the department shall report to the appropriate policy and fiscal committees of the legislature on proposed medication delivery and monitoring systems and arrangements for obtaining manufacturer discounts or rebates. No more than \$175,000 of the funds provided in this subsection may be used for state and contractor start-up, administration, and evaluation of the projects, and no more than \$100,000 of that amount may be for ongoing costs that continue beyond fiscal year 2001. The department may transfer and allot the state component of such administrative costs to its mental health program support subprogram. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(i) The health services account appropriation is provided solely for implementation of strategies that the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated, disproportionate uncompensated psychiatric care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. (i) The funds provided in this subsection must be: (A) Prioritized for use in those areas of the state that are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity; (B) prioritized for use by those areas that do not receive low-income disproportionate share hospital payments as of the date of application for funding; (C) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended; and (D) used to support strategies which can be sustained during the 2001-03 biennium at a state cost no more than 100 percent greater than the amount provided in this subsection. (ii) Except for prospective rate increases, payments from the amount provided in this subsection shall not be made to any provider that has not agreed: (A) Except for prospective rates increases, that the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against the state for the rate of state reimbursement for inpatient psychiatric care; and (B) that the provider will maintain or enhance its inpatient psychiatric treatment capacity throughout the period ending June 30, 2001, or for the duration of the funding, whichever is later. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(j) The general fund--state appropriation for fiscal year 2001 includes \$1,891,000 to replace federal funding for outpatient services which is no longer available due to the reduction in the federal medical assistance percentage. The department shall distribute these additional state funds among the regional support networks according to each regional support network's capitation rate by eligibility category.

(k) The appropriations in this subsection include an increase in funding for medicaid outpatient services as a result of the forecasted increase in the number of persons eligible for medicaid over the number previously budgeted. The department shall distribute these additional appropriations among the regional support networks according to each regional support network's capitation rate by eligibility category.

(2) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 2000) \$	((69,946,000))
	<u>69,797,000</u>
General Fund--State Appropriation (FY 2001) \$	((69,932,000))
	<u>72,297,000</u>
General Fund--Federal Appropriation \$	((138,825,000))
	<u>141,160,000</u>
General Fund--Private/Local Appropriation \$	((29,456,000))
	<u>29,848,000</u>
TOTAL APPROPRIATION \$	((308,159,000))
	<u>313,102,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall use general fund--local appropriations in this subsection to establish a third-party revenue incentive pool, which shall be used for staff-initiated projects which will increase the quality of care at the state hospitals. For fiscal year 2000, the incentive pool shall be (i) the first \$200,000 by which revenues from third-party payers exceed \$27,800,000; and (ii) fifty percent of any amounts beyond \$28,000,000, up to a maximum of \$500,000. For fiscal year 2001, the incentive pool shall be (iii) the first \$350,000 by which third-party revenues exceed \$29,050,000; and (iv) fifty percent of any amounts beyond \$29,400,000, up to a maximum of \$700,000. For purposes of this subsection, "third-party revenues" does not include disproportionate share hospital payments. The department may establish separate incentive pools for each hospital. The department may also divide the annual revenue target into quarterly goals, and make funds available from the incentive pool on a quarterly basis.

(d) \$444,000 of the general fund--state appropriation for fiscal year 2000, \$1,866,000 of the general fund--state appropriation for fiscal year 2001, \$196,000 of the general fund--private/local appropriation, and \$157,000 of the general fund--federal appropriation are provided solely for improvements at western state hospital related to the treatment of individuals with developmental disabilities and mental illness. This includes efforts to comply with new rules issued by the federal government regarding the use of restraint and seclusion.

(3) CIVIL COMMITMENT	
General Fund--State Appropriation (FY 2000) \$	((8,665,000))
	<u>10,895,000</u>
General Fund--State Appropriation (FY 2001) \$	((9,524,000))
	<u>11,940,000</u>

Public Safety and Education Account--State Appropriation \$

	9,172,000
TOTAL APPROPRIATION \$	((18,189,000))
	<u>32,007,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the fiscal committees of the legislature by October 1, 1999, on plans for increasing the efficiency of staffing patterns at the civil commitment center sufficiently to operate within authorized staffing and expenditure levels.

(b) The public safety and education account appropriation is provided solely for deposit into the state building and construction account for design and construction of a new special commitment center facility (capital project 01-2-001). These funds shall not be transferred for other purposes as otherwise provided in section 201(3)(b) of this act. The amount provided in this subsection is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999. In accordance with section 909, chapter 379, Laws of 1999, the department of corrections is responsible for project management.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2000) \$	444,000
General Fund--State Appropriation (FY 2001) \$	443,000
General Fund--Federal Appropriation \$	3,282,000
TOTAL APPROPRIATION \$	4,169,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2000) \$	2,612,000
General Fund--State Appropriation (FY 2001) \$	2,706,000
General Fund--Federal Appropriation \$	3,227,000
TOTAL APPROPRIATION \$	8,545,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) By December 1, 1999, the department shall provide the fiscal committees of the legislature with an independent assessment of options for increasing the efficiency and effectiveness of current systems and organizational structures for billing third-party payers for hospital services.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$120,000 of the general fund federal appropriation are provided solely for the institute for public policy to evaluate the impacts of Substitute Senate Bill No. 5011 (mentally ill offenders), and of chapter 297, Laws of 1998 (commitment of mentally ill persons). If Substitute Senate Bill No. 5011 is not enacted by June 30, 1999, one-half of each of these amounts shall lapse.

Sec. 206. 1999 c 309 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES	
General Fund--State Appropriation (FY 2000) \$	((183,530,000))
	<u>185,555,000</u>
General Fund--State Appropriation (FY 2001) \$	((197,412,000))
	<u>205,422,000</u>
General Fund--Federal Appropriation \$	((319,962,000))
	<u>325,963,000</u>
Health Services Account--State Appropriation \$	262,000
TOTAL APPROPRIATION \$	((701,166,000))
	<u>717,202,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$127,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$3,100,000 of the general fund--state appropriation for fiscal year 2000, \$4,650,000 of the general fund--state appropriation for fiscal year 2001, and \$8,250,000 of the general fund--federal appropriation are provided solely to increase services and supports for people with developmental disabilities. These funds shall be expended in accordance with priorities established by the stakeholder advisory group established in accordance with chapter 216, Laws of 1998 (developmental disabilities), except that (i) at least 60 percent of these amounts must be used to increase the number of people receiving residential, employment, family support, or other direct services; (ii) the services and supports must be designed and implemented such that the cost of continuing them in the 2001-03 biennium does not exceed \$19.2 million, of which no more than \$9.3 million is from state funds; and (iii) strong consideration shall be given to the need for increased wages for direct care workers in contracted residential programs.

(c) \$82,000 of the general fund--state appropriation for fiscal year 2000, \$329,000 of the general fund--state appropriation for fiscal year 2001, and \$428,000 of the general fund--federal appropriation are provided solely to increase the number of developmentally disabled people receiving residential, employment, family support, or other direct services. The amounts in this subsection (1)(c) are subject to the restrictions in (b)(ii) of this subsection (1).

(d) \$413,000 of the general fund--state appropriation for fiscal year 2000, \$1,172,000 of the general fund--state appropriation for fiscal year 2001, and \$694,000 of the general fund--federal appropriation are provided solely for employment, or other day activities and training programs, for young people who complete their high school curriculum in 1999 or 2000.

~~((d) \$1,919,000 of the general fund--state appropriation for fiscal year 2000, \$2,892,000 of the general fund--state appropriation for fiscal year 2001, and \$4,992,000 of the general fund--federal appropriation are provided solely for alternatives for persons who would otherwise be at substantial risk of state psychiatric hospitalization. The department shall use these funds and other resources appropriated in this section and in section 205(1) of this act to assure that the average number of persons with developmental disabilities in the state hospitals does not exceed sixty six per day during the first biennial quarter; sixty per day during the second; fifty four per day during the third; and forty~~

~~eight per day during the final quarter of the 1999-2001 biennium. The developmental disabilities program shall transfer \$285 of the general fund--state appropriation to the mental health program for each bed day by which these quarterly targets are exceeded.))~~

(e) \$513,000 of the general fund--state appropriation for fiscal year 2000, \$1,421,000 of the general fund--state appropriation for fiscal year 2001, and \$2,033,000 of the general fund--federal appropriation are provided to develop and operate secure residential and day program placements for persons who seem likely to pose a significant risk to the public safety if their current residential arrangement were to continue.

(f) \$209,000 of the general fund--state appropriation for fiscal year 2000, \$664,000 of the general fund--state appropriation for fiscal year 2001, and \$939,000 of the general fund--federal appropriation are provided to increase wages as required by Initiative No. 688 (state minimum wage) for contracted adult family homes, adult residential care facilities, hourly and daily family support providers, and hourly attendant care providers.

(g) \$1,978,000 of the general fund--state appropriation for fiscal year 2000, \$4,475,000 of the general fund--state appropriation for fiscal year 2001, and \$6,989,000 of the general fund--federal appropriation are provided solely to increase compensation for individual and agency home care workers. Payments to individual providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to be increased to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(h) Within amounts appropriated in this subsection, the developmental disabilities program shall contract for a pilot program to test an alternative service delivery model for persons with autism. The department must use a competitive process to determine the site of the pilot. The pilot program must be time-limited and subject to an evaluation of client outcomes to determine the effectiveness and efficiency of the pilot program compared to the standard service model for persons with autism.

(i) \$1,919,000 of the general fund--state appropriation for fiscal year 2000, \$6,673,000 of the general fund--state appropriation for fiscal year 2001, and \$7,361,000 of the general fund--federal appropriation are provided solely to improve services for persons with developmental disabilities who would otherwise be at risk of needing involuntary commitment to or prolonged treatment at state psychiatric hospitals. The department shall use these funds to enhance the community crisis response system managed by regional support networks, improve crisis prevention and stabilization services through the developmental disabilities community services system, and expand community residential capacity for persons with developmental disabilities who are ready for discharge from state psychiatric hospitals. Funding for community residential capacity is sufficient to move a biennium total of 48 patients out of the state hospitals at a reasonable pace by June 30, 2001. The department shall manage the intensity of services provided so that the average cost per day does not exceed \$300 per person placed in this expanded community residential capacity. The department shall report to the appropriate committees of the legislature on progress towards implementing this subsection after each calendar quarter. The legislature finds that, in addition to the appropriations in this subsection for improvements in services to persons with developmental disabilities who are committed to the custody of the secretary under chapter 71.05 RCW, it is necessary to study long-term treatment alternatives and their legal, fiscal, and policy implications. Therefore, the department shall provide a report to the ways and means committee of the senate and the appropriations committee of the house of representatives by December 1, 2000, containing options and recommendations for secure treatment programs. The report shall identify various treatment models that could be implemented and various types and locations of secure facilities, both state-owned and leased, in which programs could be sited, together with the department's recommendations. The report shall evaluate the potential for siting such programs on the grounds of existing state residential habilitation centers. The report shall also include analysis of advantages and disadvantages associated with contracting for some or all of the new program options identified. The report shall evaluate the options based on short-term and long-term costs, client and community security, efficiency of coordination with other service delivery systems,

and how they address specific legal issues. In developing this report, the department shall invite participation by representatives of the Washington protection and advocacy system (WPAS), and shall include in the report WPAS' position on options and recommendations submitted by the department and any additional recommendations made by WPAS. The legislature recognizes a need to improve long-term services provided to individuals with developmental disabilities who are undergoing involuntary treatment under chapter 71.05 RCW. The legislature is committed to providing resources necessary to address issues in the U.S. District Court case of *Allen v. Western State Hospital*.

(j) \$500,000 of the general fund--state appropriation for fiscal year 2001 and \$160,000 of the general fund--federal appropriation are provided solely for increased family support services and related case management support.

(2) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 2000) \$	66,076,000
General Fund--State Appropriation (FY 2001) \$	((66,184,000))
	<u>66,449,000</u>
General Fund--Federal Appropriation \$	((147,776,000))
	<u>145,367,000</u>
General Fund--Private/Local Appropriation \$	10,227,000
TOTAL APPROPRIATION \$	((290,263,000))
	<u>288,119,000</u>
(3) PROGRAM SUPPORT	
General Fund--State Appropriation (FY 2000) \$	2,431,000
General Fund--State Appropriation (FY 2001) \$	2,435,000
General Fund--Federal Appropriation \$	2,080,000
TOTAL APPROPRIATION \$	6,946,000
(4) SPECIAL PROJECTS	
General Fund--Federal Appropriation \$	12,007,000

Sec. 207. 1999 c 376 s 3 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$	((452,044,000))
	<u>446,025,000</u>
General Fund--State Appropriation (FY 2001) \$	((476,761,000))
	<u>475,043,000</u>

General Fund--Federal Appropriation \$	((1,001,629,000))
	<u>979,301,000</u>
General Fund--Private/Local Appropriation \$	((4,274,000))
	<u>3,910,000</u>
Health Services Account--State Appropriation \$	2,104,000
TOTAL APPROPRIATION \$	((1,936,812,000))
	<u>1,906,383,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, ((~~\$2,118,000~~) \$2,101,000 of the general fund--federal appropriation, \$923,000 of the general fund--state appropriation for fiscal year 2000, and \$958,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,640,000 of the general fund--state appropriation for fiscal year 2000 and \$1,640,000 of the general fund--state appropriation for fiscal year 2001, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing Engrossed Second Substitute House Bill No. 1484 (nursing home payment rates), the weighted average nursing facility payment rate for fiscal year 2000 shall be no more than ((~~\$10.36~~) \$10.85 for the capital portion of the rate and no more than \$108.20 for the noncapital portion of the rate. For fiscal year 2001, the weighted average nursing facility payment rate shall be no more than ((~~\$10.57~~) \$11.44 for the capital portion of the rate and no more than ((~~\$110.94~~) \$111.21 for the noncapital portion of the rate. These rates include vendor rate increases, but exclude nurse's aide training.

(4) In addition to the rates set forth in subsection (3), \$286,000 of the general fund--state appropriation for fiscal year 2000((, ~~\$574,000 of the general fund--state appropriation for fiscal year 2001,~~) and ((~~\$928,000~~) \$310,000 of the general fund--federal appropriation are provided solely for supplemental rate adjustments for certain nursing facilities. In accordance with RCW 74.46.431, the department shall use these funds to apply an additional economic trends and conditions adjustment factor to the rate of any facility whose total rate allocation would otherwise be less than its April 1, 1999, total rate, adjusted for case-mix changes. This supplemental adjustment factor shall be the percentage by which the facility's April 1, 1999, rate would otherwise exceed the rate calculated in accordance with chapter 74.46 RCW and subsection (3) of this section, except that (a) no adjustment shall be provided for any amounts by which a facility's rate is lower due to a reduction in its facility-average medicaid case-mix score; and (b) the adjustment factor shall be reduced proportionately for all facilities by the percentage by which total supplemental payments would otherwise exceed the funds provided for such payments in this subsection. This subsection applies only to rates paid for services provided between July 1, 1999, and March 31, 2000.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments

provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(6) ~~(\$6,264,000 of the general fund--state appropriation for fiscal year 2000, \$13,860,000 of the general fund--state appropriation for fiscal year 2001, and \$21,795,000 of the general fund--federal appropriation are provided solely))~~ Funds are appropriated in this section to increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to increase to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$280,000 of the general fund--federal appropriation are provided solely for enhancement and integration of existing management information systems to (a) provide data at the local office level on service utilization, costs, and recipient characteristics; and (b) reduce the staff time devoted to data entry.

(8) The department of social and health services shall provide access and choice to consumers of adult day health services for the purposes of nursing services, physical therapy, occupational therapy, and psychosocial therapy. Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(9) \$1,452,000 of the general fund--state appropriation for fiscal year 2000, \$1,528,000 of the general fund--state appropriation for fiscal year 2001, and \$2,980,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1546 (in-home care services). If Second Substitute House Bill No. 1546 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$610,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Substitute House Bill No. 2454 (family caregiver). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

(11) \$8,000 of the general fund--state appropriation for fiscal year 2000, \$131,000 of the general fund--state appropriation for fiscal year 2001, and \$139,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 2637 (background checks). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

(12) \$60,000 of the general fund--state appropriation for fiscal year 2001 and \$60,000 of the general fund--federal appropriation are provided solely to enhance training for persons employed in community residential settings pursuant to Senate Bill No. 6502 (long-term care training).

Sec. 208. 1999 c 309 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$	((457,162,000))
	<u>428,222,000</u>
General Fund--State Appropriation (FY 2001) \$	((441,575,000))
	<u>411,433,000</u>
General Fund--Federal Appropriation \$	((1,220,874,000))
	<u>1,229,274,000</u>

General Fund--Private/Local Appropriation \$

((30,838,000))

30,807,000

TOTAL APPROPRIATION \$

((2,150,449,000))

2,099,736,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((308,504,000))~~ \$279,702,000 of the general fund--state appropriation for fiscal year 2000, ~~((293,144,000))~~ \$263,140,000 of the general fund--state appropriation for fiscal year 2001, ~~((1,133,782,000))~~ \$1,142,182,000 of the general fund--federal appropriation, and ~~((28,402,000))~~ \$28,371,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid measures of job retention and wage progression shall be developed and reported for families who leave assistance, measured after 12 months, 24 months, and 36 months.

(b) Provide \$500,000 from the general fund--state appropriation for fiscal year 2000 and \$500,000 from the general fund--state appropriation for fiscal year 2001 for continuation of the WorkFirst evaluation conducted by the joint legislative audit and review committee.

(c) Provide \$1,400,000 of the general fund--federal appropriation solely for after-school care for middle school youth as described in House Bill No. 2530 (after-school care).

(d) Provide \$2,710,000 of the general fund--federal appropriation solely for training and a technical assistance program for child care providers seeking training to enable them to competently serve children with special needs as described in House Bill No. 2869 (child care provider training).

(e) Provide \$230,000, or as much thereof as may be necessary, to the department of health to expand the vasectomy project to temporary assistance for needy families clients and their partners until such time as a federal family planning waiver is granted that will cover these services.

(f) Report to the appropriate committees of the legislature, by December 1, ~~((1999))~~ 2000, how the new federal child support incentive system can be used to maximize federal incentive payments and to support the greatest achievement of WorkFirst program goals. In the event that the department earns federal child support incentive payments in excess of amounts budgeted, the department shall use one-half of those additional funds to offset general fund--state allotments and one-half of those additional funds to improve child support services.

(2) ~~((50,860,000))~~ \$43,638,000 of the general fund--state appropriation for fiscal year 2000 and ~~((50,825,000))~~ \$44,156,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed funds provided. The department shall, by July 1, 2000, begin using federal funds provided in subsection (1) of this section, as allowed by federal rules, for the costs of providing income assistance to children with court-appointed guardians and court-appointed custodians.

(3) ~~((8,752,000))~~ \$5,444,000 of the general fund--state appropriation for fiscal year 2000 and ~~((8,752,000))~~ \$5,632,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) RCW 78.08A.280 permits the department to develop contracts for state-wide welfare-to-work services.

Within amounts available in this section, the department shall provide progress reports on the use of such contracting to the fiscal committees of the legislature by September 1, 2000, and January 1, 2000. Each of these reports shall describe the number of current contracts for temporary assistance for needy families (TANF) or WorkFirst services that the department has with community social service providers and a description of the services being provided through each of those contracts.

(5) The legislature finds that, since the passage of the federal personal responsibility and work opportunity act in 1997, Washington's public assistance population has declined dramatically, and that the currently appropriated level for the temporary assistance for needy families program is sufficient for the 1999-01 biennium. The legislature further finds that federal funding for the temporary assistance for needy families program may decrease after the current five-year block grant has expired. The legislature declares that at least \$60,000,000 of the year-end balance in the federal TANF grant shall be held in reserve by the office of financial management at the close of the 1999-01 biennium.

Sec. 209. 1999 c 309 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2000) \$	((21,451,000))
	<u>21,338,000</u>
General Fund--State Appropriation (FY 2001) \$	((21,858,000))
	<u>23,095,000</u>
General Fund--Federal Appropriation \$	((90,800,000))
	<u>90,373,000</u>
General Fund--Private/Local Appropriation \$	1,204,000
Public Safety and Education Account--State Appropriation \$	6,660,000
Violence Reduction and Drug Enforcement Account--State Appropriation \$	77,150,000
TOTAL APPROPRIATION \$	((219,123,000))
	<u>219,820,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,960,000 of the general fund--state appropriation for fiscal year 2000 and \$1,960,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for expansion of 50 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$88,000 of the general fund--state appropriation for fiscal year 2001, and \$116,000 of the general fund--federal appropriation are provided solely for activities related to chemical dependency services under subsection 202(1) of this act. If that subsection is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(3) \$1,444,000 of the general fund--state appropriation for fiscal year 2000, \$1,484,000 of the general fund--state appropriation for fiscal year 2001, and \$330,000 of the general fund--federal appropriation are provided for implementation of Engrossed Substitute Senate Bill No. 5480 (drug-affected infants) or sections 1 through 17 of Second Substitute House Bill No. 1574. If legislation expanding services to prevent drug-affected infants is not enacted by June 30, 1999, the amounts provided in this subsection shall be provided solely for the development and implementation of comprehensive programs for alcohol and drug abusing mothers and their young children. The pilot programs shall be implemented in several locations, including at least one rural location. The pilot programs shall also be supported with TANF funds provided in section ((208)) 207 of this act as a way to reduce prolonged dependency on public assistance for program participants.

(4) \$994,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for drug courts in counties that have exhausted federal grant funding.

Sec. 210. 1999 c 392 s 2 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2000) \$	((722,863,000))
	<u>744,327,000</u>
General Fund--State Appropriation (FY 2001) \$	((784,657,000))
	<u>834,815,000</u>
General Fund--Federal Appropriation \$	((2,401,804,000))
	<u>2,542,526,000</u>
General Fund--Private/Local Appropriation \$	((261,534,000))
	<u>272,587,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$	9,200,000
Health Services Account--State Appropriation \$	((391,582,000))
	<u>478,288,000</u>
TOTAL APPROPRIATION \$	((4,571,641,000))
	<u>4,881,743,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.

(2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(4) \$1,647,000 of the general fund--state appropriation for fiscal year 2000 and \$1,672,000 of the general fund--state appropriation for fiscal year 2001 are provided for treatment of low-income kidney dialysis patients.

(5) \$80,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

~~(6) ((The department shall adopt a new formula for distributing funds under the low income disproportionate share hospital (LI DSH) program. Under this new formula, (a) the state's Level 1 trauma center shall continue to receive the same amount of LI DSH payments as in fiscal year 1999; and (b) a net profitability factor shall be included with other factors to determine LI DSH payments. The net profitability factor shall inversely relate hospital percent net operating income to payment under the program.~~

~~(7))~~ (7) The department shall report to the fiscal committees of the legislature by September 15, 1999, and again by December 15, 1999, on (a) actions it has taken and proposes to take to increase the share of medicare part B premium payments upon which it is collecting medicaid matching funds; (b) the percentage of such premium payments for each month of service subsequent to June 1998 which have been paid with unmatched, state-only funds; and (c) why matching funds could not be collected on those payments.

~~((8))~~ (8) The department shall report to the fiscal committees of the legislature by December 1, 1999, and again by October 1, 2000, on the amount which has been recovered from third-party payers as a result of its efforts to improve coordination of benefits on behalf of "basic health plan-plus" enrollees.

~~((9))~~ (9) The department shall report to the health care and fiscal committees of the legislature by December 1, 1999, on options for controlling the growth in medicaid prescription drug expenditures through strategies such as but not limited to volume purchasing, selective contracting, supplemental drug discounts, and improved care coordination for high utilizers.

~~((10))~~ (10) \$3,992,000 of the health services account appropriation and \$7,651,000 of the general fund--federal appropriation are provided solely for health insurance coverage for children with family incomes between 200 percent and 250 percent of the federal poverty level, as provided in Substitute Senate Bill No. 5416 (children's health insurance program). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

~~((11) \$191,000 of the general fund--state appropriation for fiscal year 2000 and \$391,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of Substitute Senate Bill No. 5587 (patient bill of rights). If the bill is not enacted by June 30, 1999, these amounts shall lapse.~~

~~(12))~~ (12) Upon approval from the federal health care financing administration, the department shall implement the section 1115 family planning waiver to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level.

~~((13) Except in the case of rural hospitals and Harborview medical center, weighted average payments under the ratio of cost to charges hospital payment system shall increase by no more than 175 percent of the DRI HCFA hospital reimbursement market basket index.~~

~~(15))~~ (15) In accordance with Substitute Senate Bill No. 5968, ~~((25,978,000))~~ \$70,821,000 of the health services account appropriation for fiscal year 2000, ~~((26,069,000))~~ \$42,041,000 of the health services account appropriation for fiscal year 2001, and ~~((56,002,000))~~ \$120,278,000 of the general fund--federal appropriation, or so much thereof as may be expended without exceeding the medicare upper payment limit, are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. Such payments shall be distributed among the participating rural public hospital districts proportional to the number of days of medicaid-funded nursing home care provided by each district during the preceding calendar year, relative to the total number of such days of care provided by all participating rural public hospital districts. Prior to making any supplemental payments, the department shall first obtain federal approval for such payments under the medicaid state plan. The payments shall further be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental

transfer to the state treasurer, for deposit into the health services account, equal to at least ~~((82))~~ 86 percent of the total supplemental payment ~~((amount))~~ amounts received during the 1999-01 fiscal biennium; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than 14 percent, or as much thereof as may be necessary, up to a 1999-01 fiscal biennium total of \$32,000,000.

(12) \$13,971,000 of the general fund--local appropriation, \$5,000,000 of the health services account, and \$14,529,000 of the general fund--federal appropriation are provided solely for the public hospital disproportionate share program. Expenditure of the amounts in this subsection is contingent upon federal approval of a state plan amendment that will authorize payments to the University of Washington and Harborview Medical Center for state fiscal year 2001 at 100 percent of the allowable medicaid upper payment limit.

(13) From funds provided in this section, the department shall develop disease state management and therapeutic substitution programs which will substantially maintain or enhance the quality of the drug benefit for medical assistance recipients, while controlling overall health care costs. In designing the disease state management programs, the department shall research programs which have proven effective with similar populations in other states, and shall then work with concerned provider and consumer groups to adapt those strategies to Washington's service delivery system. The department shall work with its drug utilization and education council to develop a therapeutic substitution program for at least two classes of drugs. Under the therapeutic substitution program, the council shall analyze pharmacoeconomic research on the costs and benefits of all drugs within the class, and identify the most cost-effective drug or drugs within the class for placement on the formulary. Other drugs within the class shall be preauthorized when clinically indicated under criteria established by the council. The department shall report to the appropriate committees of the legislature by December 1, 2000, prior to implementing its proposed strategies.

(14) \$926,000 of the health services account--state appropriation for fiscal year 2001 and \$676,000 of the general fund--federal appropriation are provided solely for an enhanced rural reimbursement program. Payments for recipients eligible for medical assistance programs under chapter 74.09 RCW for services provided by hospitals, regardless of the beneficiary's managed care enrollment status, may include, but are not limited to, consideration of cost-based reimbursement when services are provided by a rural hospital that either: (a) Has been certified by the health care financing administration as a critical access hospital; or (b) meets the geographic criteria for a critical access hospital and has no more than twenty-five available beds, with not more than fifteen acute care beds and ten swing beds. If cost-based reimbursement is considered, it is as defined by the hospital's cost to charge ratio. Any additional payments made by the medical assistance administration for the healthy options program shall be no more than the additional amounts per service paid under this section for other medical assistance programs. By December 15, 2000, the department shall report on the overall increase in case-mix adjusted rates resulting from the reimbursement changes authorized in this subsection. If the overall case-mix adjusted rate of increase resulting from the use of the reimbursement methodology authorized in this subsection exceeds twice the federal health care financing administration hospital marketbasket index, then the department shall make recommendations as to how the rate of increase can be controlled.

(15) \$290,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of the asset exemption provisions of House Bill No. 2686. If these provisions are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(16) \$1,529,000 of the general fund--state appropriation for fiscal year 2000, \$4,077,000 of the general fund--state appropriation for fiscal year 2001, and \$5,394,000 of the general fund--federal appropriation are provided solely for implementation of the settlement negotiated by the department and the attorney general in the case of *Allenmore et al. v. DSHS*.

(17) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries of Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

Sec. 211. 1999 c 309 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2000) \$	((8,960,000))
	<u>8,770,000</u>
General Fund--State Appropriation (FY 2001) \$	((9,078,000))
	<u>8,635,000</u>
General Fund--Federal Appropriation \$	81,906,000
General Fund--Private/Local Appropriation \$	((2,904,000))
	<u>1,865,000</u>
TOTAL APPROPRIATION \$	((102,848,000))
	<u>101,176,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities served by those organizations.

(2) \$190,000 of the general fund--state appropriation for fiscal year 2000, \$240,000 of the general fund--state appropriation for fiscal year 2001, and \$1,590,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals enrolled for services with the developmental disabilities program who complete their high school curriculum in 1999 ~~((or))~~, 2000, or 2001.

Sec. 212. 1999 c 309 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$	((25,695,000))
	<u>25,882,000</u>
General Fund--State Appropriation (FY 2001) \$	((25,200,000))
	<u>23,353,000</u>
General Fund--Federal Appropriation \$	((46,601,000))
	<u>44,342,000</u>
General Fund--Private/Local Appropriation \$	720,000
TOTAL APPROPRIATION \$	((98,216,000))
	<u>94,297,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided for the incremental cost of lease renewals and for the temporary increased costs for relocating staff out of state office building no. 2 (OB2) during the renovation of that building. Of this increase, \$2,400,000 is provided for relocating staff. This amount is recognized as one-time-only funding for the 1999-01 biennium. As part of the 2001-2003 budget request, the department shall update the estimate of increased cost for relocating staff, including specifying what portion of that increase is due to providing more square footage per FTE in the new leased space compared to the space occupied previously.

(2) The department may transfer up to \$528,000 of the general fund--state appropriation for fiscal year 2000, (~~(\$1,057,000)~~) \$3,473,000 of the general fund--state appropriation for fiscal year 2001, and (~~(\$812,000)~~) \$3,215,000 of the general fund--federal appropriation and associated FTEs to the administration and supporting services program from various other programs to implement administrative reductions and cover the nonspecific staff reductions assumed in this section. Within this reduction, the department may not eliminate any funding or staff that will cause an increase in appeals or filings to superior courts.

(3) \$187,000 of the general fund--state appropriation for fiscal year 2000, \$746,000 of the general fund--state appropriation for fiscal year 2001, and \$2,251,000 of the general fund--federal appropriation are provided solely to implement a new fraud and abuse detection system. By December 1, 2000, the department shall provide a report to the fiscal committees of the legislature that will include: The actual cost recovery in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost avoidance in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost recovery and actual cost avoidance achieved to date after implementation in fiscal years 2000 and 2001, compared to the savings included in sections 202, 205, 206, and 209 of this 2000 act; and the criteria and methodology used for determining cost recovery and cost avoidance.

Sec. 213. 1999 c 309 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2000) \$	((30,790,000))
	<u>31,190,000</u>
General Fund--State Appropriation (FY 2001) \$	((30,719,000))
	<u>31,225,000</u>
General Fund--Federal Appropriation \$	((22,747,000))
	<u>21,932,000</u>
TOTAL APPROPRIATION \$	((84,256,000))
	<u>84,347,000</u>

Sec. 214. 1999 c 309 s 214 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2000) \$	6,441,000
General Fund--State Appropriation (FY 2001) \$	6,563,000
State Health Care Authority Administrative Account--State Appropriation \$	((39,585,000))

Health Services Account--State Appropriation \$	16,705,000
	((414,159,000))
General Fund--Federal Appropriation \$	414,260,000
	4,501,000
TOTAL APPROPRIATION \$	((471,249,000))
	448,470,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections ~~((205 and))~~ 206 and 207 of ~~((chapter 149, Laws of 1997))~~ this act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(4) \$442,000 of the state health care authority administrative account appropriation is provided solely for the uniform medical plan to contract for the following services: (a) A provider profiling system; (b) a waste, fraud, and abuse monitoring and information system; (c) an optional case management program; and (d) hospital audits. The health care authority may not expend any funds under this subsection until the office of financial management has approved a detailed project plan for expenditure of these funds.

(5) ~~(\$572,000 of the health services account appropriation is provided solely to implement Substitute Senate Bill No. 5587 (patient bill of rights). If this bill is not enacted by June 30, 1999, this amount shall lapse.)~~ Within the health services account appropriation provided in this section, the health care authority shall prioritize providing health care coverage in rural areas over total enrollment.

(6) \$111,000 of the health care authority administrative account appropriation and \$164,000 of the health services account appropriation are provided solely for a study of the health care authority's insurance information systems.

(7) \$200,000 of the health services account appropriation is provided solely for administration and implementation of premium discounts for enrollees in the Washington state high-risk insurance pool, as authorized by Engrossed Second Substitute Senate Bill No. 6067 (health care coverage). If the provisions of Engrossed Second Substitute Senate Bill No. 6067 authorizing such premium discounts are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(8) \$150,000 of the health services account appropriation is provided solely for the design and development of administrative systems which would be needed for the health care authority to offer the new plan of health care coverage established by Engrossed Second Substitute Senate Bill No. 6067 (health care coverage). If the provisions of Engrossed Second Substitute Senate Bill No. 6067 authorizing this new health coverage plan are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 215. 1999 c 309 s 215 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION
General Fund--State Appropriation (FY 2000) \$

	((2,536,000))
	<u>2,567,000</u>
General Fund--State Appropriation (FY 2001) \$	((2,550,000))
	<u>2,580,000</u>
General Fund--Federal Appropriation \$	1,474,000
General Fund--Private/Local Appropriation \$	100,000
TOTAL APPROPRIATION \$	((6,660,000))
	<u>6,721,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$31,000 of the general fund--state appropriation for fiscal year 2000 and \$30,000 of the general fund--state appropriation for fiscal year 2001 are provided to: (1) Educate owners of businesses with seven or fewer employees about the impacts of the state supreme court decision *Roberts v. Dudley* (cause no. 67365-9, February 17, 2000); and (2) provide information on how to meet the requirements of the applicable laws against discrimination and how to obtain additional information and assistance to meet those requirements.

By July 30, 2000, the commission shall contract with the employment security department to mail information prepared by the commission to those employers identified by the employment security department as having between one and seven employees at the time of the mailing.

By June 30, 2000, the commission shall also establish a special location on its internet web site. The location shall provide information for small businesses on how they are affected by *Roberts v. Dudley* and the state's other laws against discrimination.

By December 1, 2000, the commission shall provide a report to the appropriate committees of the legislature. The report shall describe the implementation of this section.

Sec. 216. 1999 c 309 s 217 (uncodified) is amended to read as follows:
FOR THE CRIMINAL JUSTICE TRAINING COMMISSION
General Fund--State Appropriation (FY 2001) \$

	<u>215,000</u>
General Fund--Federal Appropriation \$	100,000
Death Investigations Account--State Appropriation \$	((38,000))
	<u>148,000</u>
Public Safety and Education Account--State Appropriation \$	((17,469,000))
	<u>17,493,000</u>
<u>Municipal Criminal Justice Assistance Account--State Appropriation \$</u>	<u>1,404,000</u>
TOTAL APPROPRIATION \$	((17,607,000))
	<u>19,360,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the public safety and education account appropriation is provided solely for information technology upgrades and improvements for the criminal justice training commission.

(2) \$481,000 of the public safety and education account appropriation is provided solely for the implementation of provisions of chapter 351, Laws of 1997 (criminal justice training) dealing with supervisory and management training of law enforcement personnel. Within the funds provided in this subsection, the criminal justice training commission shall provide the required training in the least disruptive manner to local law enforcement agencies and may include, but is not limited to, regional on-site training, interactive training, and credit for training given by the home department.

(3) (~~(\$2,092,000)~~) \$1,990,000 of the public safety and education account appropriation is provided solely for expanding the basic law enforcement academy (BLEA) from 469 hours to 720 hours. The funds provided in this subsection are assumed sufficient for the criminal justice training commission to provide expanded BLEA training to 330 attendees in fiscal year 2000 and 660 attendees in fiscal year 2001.

(4) \$180,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (sexually violent offender records). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$276,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) \$215,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington association of sheriffs and police chiefs to conduct a study of law enforcement services and expenditures for both counties and cities within the county for counties with populations over one hundred fifty thousand. The study shall begin no later than July 1, 2000, and it must be completed by June 30, 2001. The final report shall be distributed to the Washington association of sheriffs and police chiefs and to the appropriate standing committees of the legislature. The study shall:

(a) Make recommendations to improve the efficiency of delivering law enforcement services. The recommendations may be made to law enforcement jurisdictions, Washington association of sheriffs and police chiefs' actions, units of local government, and the legislature;

(b) Research, compile, and analyze data sufficient to provide a comprehensive analysis of the costs and total expenditures for law enforcement. These costs include but are not limited to special services, defined as but not limited to: SWAT teams, bomb disposal units, air support, marine units, hostage negotiation teams, homicide investigation units, drug units, canine units, arson investigation teams, computer fraud and forensics units, domestic violence and special assault units, and gang and youth violence units. The study shall identify duplications and inefficiencies in current service delivery;

(c) Obtain data from all local governments on the types of costs identified in (b) of this subsection. This data will be compiled and analyzed by the agency or organization that conducts the study for each county; and

(d) Obtain data from those counties and law enforcement agencies where master interlocal agreements, joint specialty service units, and other cooperative arrangements have been developed between law enforcement agencies to improve the effectiveness, efficiency, and ensured quality of specialty law enforcement services.

(7) \$50,000 of the public safety and education account appropriation is provided solely for additional domestic violence training courses for 911 operators.

(8) Subject to RCW 43.101.200, \$1,404,000 of the municipal criminal justice assistance account--state appropriation is provided solely to reimburse participating law enforcement agencies with ten or less full-time commissioned patrol officers for the cost of temporary replacement of each officer who is enrolled in basic law enforcement training.

Sec. 217. 1999 c 309 s 218 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LABOR AND INDUSTRIES
General Fund--State Appropriation (FY 2000) \$

7,268,000

General Fund--State Appropriation (FY 2001) \$	7,240,000
Public Safety and Education Account--State Appropriation \$	((16,091,000))
	<u>18,756,000</u>
Public Safety and Education Account--Federal Appropriation \$	5,950,000
Public Safety and Education Account--Private/Local Appropriation \$	3,057,000
Electrical License Account--State Appropriation \$	((24,055,000))
	<u>24,402,000</u>
Farm Labor Revolving Account--Private/Local Appropriation \$	28,000
Worker and Community Right-to-Know Account--State Appropriation \$	2,211,000
Public Works Administration Account--State Appropriation \$	2,996,000
Accident Account--State Appropriation \$	((167,736,000))
	<u>167,092,000</u>
Accident Account--Federal Appropriation \$	9,112,000
Medical Aid Account--State Appropriation \$	((170,197,000))
	<u>169,172,000</u>
Medical Aid Account--Federal Appropriation \$	1,592,000
Plumbing Certificate Account--State Appropriation \$	971,000
Pressure Systems Safety Account--State Appropriation \$	2,167,000
	<u>422,014,000</u>
TOTAL APPROPRIATION \$	((420,671,000))
	<u>422,014,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods.

(2) ~~(((\$123,000 of the accident account state appropriation and \$22,000 of the medical aid account state appropriation are provided solely for the implementation of Engrossed Senate Bill No. 5597 (needle stick protection). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(3) \$302,000 of the accident account--state appropriation and \$302,000 of the medical aid account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5439 (false claims). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(4) \$709,000 of the accident account--state appropriation and \$709,000 of the medical aid account--state appropriation are provided solely for the implementation of Engrossed Senate Bill No. 5580 (payments during appeals). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(5) \$481,000 of the medical aid account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5470 (chemically related illnesses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.)~~ \$2,665,000 of the public safety and education account--state appropriation is provided solely for additional costs for client benefits in the crime victims compensation program, provided that no more than \$5,095,000 of the appropriations provided in subsection (1) of this section is expended for department administration of the crime victims compensation program.

Sec. 218. 1999 c 309 s 220 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS	
General Fund--State Appropriation (FY 2000) \$	((1,409,000))
	<u>1,640,000</u>
General Fund--State Appropriation (FY 2001) \$	((1,428,000))
	<u>1,628,000</u>
General Fund--Federal Appropriation \$	134,000
General Fund--Private/Local Appropriation \$	78,000
Industrial Insurance Premium Refund Account--State Appropriation \$	78,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$	2,000
TOTAL APPROPRIATION \$	((3,129,000))
	<u>3,560,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$39,000 of the general fund--state appropriation is provided solely as an additional state contribution toward the cost of constructing a memorial on the state capitol grounds to the men and women who served in the nation's armed forces during the second world war.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for disbursement to the national World War II memorial fund for construction and maintenance of the national monument honoring the men and women from Washington and the other states who served in the nation's armed forces during the second world war.

(c) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to conduct a predesign study for replacement of aging skilled nursing facilities. The predesign study shall comply with the requirements of sections 902 and 903, chapter 379, Laws of 1999.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2000) \$	2,466,000
General Fund--State Appropriation (FY 2001) \$	2,494,000
General Fund--Federal Appropriation \$	26,000
General Fund--Private/Local Appropriation \$	1,495,000
TOTAL APPROPRIATION \$	6,481,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) \$	((6,155,000))
	<u>5,346,000</u>
General Fund--State Appropriation (FY 2001) \$	((5,337,000))
	<u>4,790,000</u>
General Fund--Federal Appropriation \$	((20,949,000))
	<u>23,002,000</u>
General Fund--Private/Local Appropriation \$	((14,682,000))
	<u>16,527,000</u>
TOTAL APPROPRIATION \$	((47,123,000))
	<u>49,665,000</u>

Sec. 219. 1999 sp.s. c 12 s 4 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2000) \$	((65,437,000))
	<u>65,461,000</u>
General Fund--State Appropriation (FY 2001) \$	((66,135,000))
	<u>66,805,000</u>
General Fund--Federal Appropriation \$	((268,710,000))
	<u>268,032,000</u>
General Fund--Private/Local Appropriation \$	68,648,000
Hospital Commission Account--State Appropriation \$	((3,128,000))
	<u>2,378,000</u>
Health Professions Account--State Appropriation \$	

Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$	37,529,000
State Drinking Water Account--State Appropriation \$	14,856,000
Drinking Water Assistance Account--Federal Appropriation \$	2,531,000
Waterworks Operator Certification--State Appropriation \$	5,456,000
Water Quality Account--State Appropriation \$	593,000
Accident Account--State Appropriation \$	3,124,000
Medical Aid Account--State Appropriation \$	258,000
State Toxics Control Account--State Appropriation \$	45,000
Health Services Account Appropriation \$	2,614,000
	((7,000,000))
	<u>7,923,000</u>
Medical Test Site Licensure Account--State Appropriation \$	1,651,000
Youth Tobacco Prevention Account--State Appropriation \$	1,804,000
Tobacco Prevention and Control Account--State Appropriation \$	((620,000))
	<u>15,620,000</u>
TOTAL APPROPRIATION \$	((550,139,000))
	<u>565,328,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,434,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) The department or any successor agency is authorized to raise existing fees charged to the nursing assistants, podiatrists, and osteopaths; for certificate of need; for temporary worker housing; for state institution inspection; for residential care facilities and for transient accommodations, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(3) \$339,000 of the general fund--state appropriation for fiscal year 2000, \$339,000 of the general fund--state appropriation for fiscal year 2001, and \$678,000 of the general fund--federal appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse. \$339,000 of the general fund--federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) \$1,685,000 of the general fund--state fiscal year 2000 appropriation and \$1,686,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(5) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6) \$620,000 of the tobacco prevention and control account appropriation and \$209,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5516 or, if the bill is not enacted, for the development of a sustainable, long-term, comprehensive tobacco control program. The plan shall identify a specific set of outcome measures that shall be used to track long range progress in reducing the use of tobacco. Nationally accepted measures that can be used to compare progress with other states shall be included. The plan shall emphasize programs that have demonstrated effectiveness in achieving progress towards the specified outcome measures. Components of the plan that do not have a record of success may be included, provided that the plan also includes the means of evaluating those components. The plan shall also include an inventory of existing publically funded programs that seek to prevent the use of tobacco, alcohol, or other drugs by children and youth and recommendations to coordinate and consolidate these programs in order to achieve greatest positive outcomes within total available resources. A preliminary plan shall be submitted to the appropriate committees of the legislature by December 1, 1999, with the final plan submitted by September 1, 2000.

(7) \$2,075,000 of fiscal year 2000 general fund--state appropriation and \$2,075,000 of fiscal year 2001 general fund--state appropriation are provided for the Washington poison center. The department shall require the center to develop a long range financing plan that identifies options for diversifying funding for center operations, including, but not limited to, federal grants, private sector grants and sponsorships, and multistate or regional operating agreements. The plan shall be submitted to the appropriate committees of the legislature by December 1, 2000.

(8) \$50,000 of fiscal year 2000 general fund--state appropriation and \$50,000 of fiscal year 2001 general fund--state appropriation are provided solely for fund raising and other activities for the development of early hearing loss clinics. The development plan for these clinics shall not assume ongoing general fund--state appropriations.

(9) \$15,000,000 of the tobacco prevention and control account appropriation is provided solely for the implementation for a sustainable, long-term tobacco control program. The integrated components of the program may include: Community-based programs, cessation, public awareness and education, youth access, and assessment and evaluation. A final plan will define the sustainable implementation of the long-term program given the remaining available balance in the tobacco prevention and control account. This plan shall be submitted to the appropriate committees of the legislature by September 1, 2000.

(10) \$24,000 of the fiscal year 2000 general fund--state appropriation and \$117,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 6199 (patient bill of rights). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

Sec. 220. 1999 c 309 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. The appropriations to the department of corrections in chapter 309, Laws of 1999, as amended, shall be expended for the programs and in the amounts specified therein. However, after April 1, 2000, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2000 between the correctional operations and community supervision programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of

the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES	
General Fund--State Appropriation (FY 2000) \$	((29,449,000))
	<u>28,064,000</u>
General Fund--State Appropriation (FY 2001) \$	((28,169,000))
	<u>28,022,000</u>
Public Safety and Education Account--State Appropriation \$	((5,216,000))
	<u>2,962,000</u>
<u>Cost of Supervision Fund--State Appropriation \$</u>	<u>2,254,000</u>
TOTAL APPROPRIATION \$	((62,834,000))
	<u>61,302,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$2,072,000 of the general fund--state appropriation for fiscal year 2000, \$212,000 of the general fund--state appropriation for fiscal year 2001, ~~((and \$5,216,000))~~ \$2,962,000 of the public safety and education account appropriation, and \$2,254,000 of the cost of supervision fund appropriation are provided solely for replacement of the department's offender-based tracking system. These amounts are subject to section 902 of this act.

(b) \$462,000 of the general fund--state appropriation for fiscal year 2000 and \$538,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS	
General Fund--State Appropriation (FY 2000) \$	((363,411,000))
	<u>360,685,000</u>
General Fund--State Appropriation (FY 2001) \$	((364,857,000))
	<u>364,386,000</u>
General Fund--Federal Appropriation \$	((34,393,000))
	<u>35,577,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation \$	<u>1,614,000</u>
<u>Public Health Services Account--State Appropriation \$</u>	<u>1,884,000</u>
<u>Institutional Welfare Betterment Account Appropriation \$</u>	<u>2,570,000</u>
TOTAL APPROPRIATION \$	

((764,275,000))

766,716,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Not more than \$3,000,000 may be expended to provide financial assistance to counties for monitoring and treatment services provided to felony offenders involved in drug court programs pursuant to sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). The secretary may negotiate terms, conditions, and amounts of assistance with counties or groups of counties operating drug courts, and may review charging and other documents to verify eligibility for payment. The secretary may contract with the division of alcohol and substance abuse, department of social and health services, for monitoring and treatment services provided pursuant to this subsection.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) \$583,000 of the general fund--state appropriation for fiscal year 2000 and \$1,178,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(f) \$151,000 of the general fund--state appropriation for fiscal year 2000 and \$57,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(g) \$18,000 of the general fund--state appropriation for fiscal year 2000 and \$334,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Senate Bill No. 5538 (sentencing) or section 3 of House Bill No. 1544 (sentencing corrections). If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(h) \$171,000 of the general fund--state appropriation for fiscal year 2000 and \$1,094,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(i) The department of corrections shall submit to the appropriate policy and fiscal committees of the senate and house of representatives, by December 15, 1999, a report on how the department plans to manage hepatitis C in the inmate population. In developing the plan, the department shall work with recognized experts in the field and shall take notice of the current national institutes of health hepatitis C guidelines and hepatitis C protocols observed in other correctional settings. Included in the plan shall be offender education about the disease, how and when offenders would be tested, how the disease would be managed if an inmate is determined to have hepatitis C, and an estimate of the number of inmates in the Washington prison system with hepatitis C. The proposed plan must also include recommendations to the legislature on ways to improve hepatitis C disease management and what level of funding would be necessary to appropriately test for and treat the disease.

(j) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following:

(A) Enter into a long-term ground lease or a long-term lease with purchase option for development of a Tacoma prerelease facility for approximately \$360,000 per year. Prior to entering into any lease, the department of corrections shall obtain written confirmation from the city of Tacoma and Pierce county that the prerelease facility planned for the site meets all land use, environmental protection, and community notification requirements.

(B) Enter into a financing contract in the amount of \$21,350,000 to acquire, construct, or remodel a 400-bed, expandable to 600-bed, Tacoma prerelease facility.

(C) Lease-develop with the option to purchase or lease-purchase approximately 100 work release beds in facilities throughout the state for \$7,000,000.

(k) \$117,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Second Substitute Senate Bill No. 6255 (anhydrous ammonia). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(l) \$1,884,000 of the public health services account--state appropriation is provided solely for the testing, treatment, and management of hepatitis C within the offender population.

(m) \$2,570,000 of the institutional welfare betterment account appropriation is provided solely for deposit in the public health services account.

(n) During the 1999-01 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account as of January 1, 2000.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2000) \$

((54,371,000))

52,074,000

General Fund--State Appropriation (FY 2001) \$

((61,321,000))

60,025,000

TOTAL APPROPRIATION \$

((115,692,000))

112,099,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$445,000 of the general fund--state appropriation for fiscal year 2000 and \$6,662,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(c) \$109,000 of the general fund--state appropriation for fiscal year 2000 and \$126,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5011 (dangerous mentally ill offenders). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(d) \$219,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in Engrossed

Second Substitute Senate Bill No. 5421 (offender accountability act) and sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing).

(4) CORRECTIONAL INDUSTRIES	
General Fund--State Appropriation (FY 2000) \$	817,000
General Fund--State Appropriation (FY 2001) \$	((3,654,000))
	<u>3,523,000</u>
<u>Institutional Welfare Betterment Account</u>	
<u>Appropriation \$</u>	<u>3,509,000</u>
TOTAL APPROPRIATION \$	((4,471,000))
	<u>7,849,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(b) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties.

(5) INTERAGENCY PAYMENTS	
General Fund--State Appropriation (FY 2000) \$	((12,823,000))
	<u>12,898,000</u>
General Fund--State Appropriation (FY 2001) \$	((11,908,000))
	<u>11,983,000</u>
TOTAL APPROPRIATION \$	((24,731,000))
	<u>24,881,000</u>

Sec. 221. 1999 c 309 s 224 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2000) \$	803,000
General Fund--State Appropriation (FY 2001) \$	((746,000))
	<u>838,000</u>
TOTAL APPROPRIATION \$	((1,549,000))

1,641,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(2) \$80,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the sentencing guidelines commission to conduct a comprehensive review and evaluation of state sentencing policy. The review and evaluation shall include an analysis of whether current sentencing ranges and standards, as well as existing mandatory minimum sentences, existing sentence enhancements, and special sentencing alternatives, are consistent with the purposes of the sentencing reform act as set out in RCW 9.94A.010, including the intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender. The review and evaluation shall also examine whether current sentencing ranges and standards are consistent with existing corrections capacity.

The review and evaluation shall consider cost-effectiveness and other studies performed by the Washington state institute for public policy, as well as the fiscal impact of sentencing policies on state and local government. In conducting the review and evaluation, the commission shall consult with the superior court judges' association, the Washington association of prosecuting attorneys, the Washington defenders' association, the Washington association of criminal defense lawyers, the Washington association of sheriffs and police chiefs, organizations representing crime victims, and other organizations and individuals with expertise and interest in sentencing policy.

Not later than December 1, 2001, the commission shall present to the appropriate standing committees of the legislature the report of its comprehensive review and evaluation, together with its recommendations for revisions and modifications to state sentencing policy, including sentencing ranges and standards, mandatory minimum sentences, and sentence enhancements. If implementation of the recommendations of the commission would result in exceeding the capacity of correctional facilities, the commission shall at the same time present to the legislature a list of revised standard sentence ranges which are consistent with currently authorized rated and operational corrections capacity, and consistent with the purposes of the sentencing reform act.

Sec. 222. 1999 c 309 s 225 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2000) \$	1,263,000
General Fund--State Appropriation (FY 2001) \$	1,259,000
General Fund--Federal Appropriation \$	209,498,000
General Fund--Private/Local Appropriation \$	29,135,000
Unemployment Compensation Administration Account--Federal Appropriation \$	((174,343,000))
	<u>169,985,000</u>
Administrative Contingency Account--State Appropriation \$	9,443,000
Employment Service Administrative Account--State Appropriation \$	((16,890,000))
	<u>19,457,000</u>
TOTAL APPROPRIATION \$	((441,831,000))

440,040,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems project to improve the agency's labor exchange system are conditioned upon compliance with section 902 of this act.

(2) \$327,000 of the unemployment compensation administration account--federal appropriation is provided consistent with section 903(c)(2) of the federal social security act to address deficiencies in the tax and wage information system (TAXIS) and to improve the quality and timeliness of employer tax information and employee wage records.

(3) \$2,567,000 of the employment service administrative account--state appropriation is provided solely for implementation of Substitute House Bill No. 3077 (unemployment insurance). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

(4) \$5,000,000 of the general fund--federal appropriation is provided solely for contracts with community-based organizations for family development or similar services. The department shall contract with community-based organizations for family development services or similar services that provide a community-based comprehensive approach to helping families become self-sufficient.

PART III NATURAL RESOURCES

Sec. 301. 1999 c 309 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2000) \$

((33,558,000))

36,462,000

General Fund--State Appropriation (FY 2001) \$

((33,539,000))

44,580,000

General Fund--Federal Appropriation \$

((48,981,000))

55,246,000

General Fund--Private/Local Appropriation \$

4,234,000

Special Grass Seed Burning Research Account--State Appropriation \$

14,000

Reclamation Revolving Account--State Appropriation \$

1,735,000

Flood Control Assistance Account--State Appropriation \$

3,989,000

Public Safety and Education Account--State Appropriation \$

749,000

State Emergency Water Projects Revolving Account--State Appropriation \$

317,000

Waste Reduction/Recycling/Litter Control Account--State Appropriation \$

((13,192,000))

13,193,000

Salmon Recovery Account--State Appropriation \$

1,120,000

State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation \$

Water Quality Account--State Appropriation \$	557,000
	((3,879,000))
Wood Stove Education and Enforcement Account--State Appropriation \$	<u>4,231,000</u>
	((351,000))
Worker and Community Right-to-Know Account--State Appropriation \$	<u>551,000</u>
State Toxics Control Account--State Appropriation \$	3,155,000
	((46,838,000))
State Toxics Control Account--Private/Local Appropriation \$	<u>46,869,000</u>
Local Toxics Control Account--State Appropriation \$	377,000
	((4,586,000))
Water Quality Permit Account--State Appropriation \$	<u>4,587,000</u>
	((21,003,000))
Underground Storage Tank Account--State Appropriation \$	<u>21,763,000</u>
Environmental Excellence Account--State Appropriation \$	2,475,000
Biosolids Permit Account--State Appropriation \$	20,000
Hazardous Waste Assistance Account--State Appropriation \$	572,000
	((3,942,000))
Air Pollution Control Account--State Appropriation \$	<u>3,943,000</u>
	((15,844,000))
Oil Spill Administration Account--State Appropriation \$	<u>4,576,000</u>
	((7,521,000))
Air Operating Permit Account--State Appropriation \$	<u>9,172,000</u>
	((3,548,000))
Freshwater Aquatic Weeds Account--State Appropriation \$	<u>3,549,000</u>
Oil Spill Response Account--State Appropriation \$	1,430,000
Metals Mining Account--State Appropriation \$	7,078,000
Water Pollution Control Revolving Account--State Appropriation \$	43,000

Water Pollution Control Revolving Account--Federal Appropriation \$	439,000
	2,200,000
<u>State Drought Preparedness Account--State Appropriation \$</u>	<u>675,000</u>
TOTAL APPROPRIATION \$	((266,537,000))
	<u>279,901,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,432,000 of the general fund--state appropriation for fiscal year 2000, \$3,438,000 of the general fund--state appropriation for fiscal year 2001, \$394,000 of the general fund--federal appropriation, \$2,070,000 of the oil spill administration account--state appropriation, \$819,000 of the state toxics control account--state appropriation, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(3) \$374,000 of the general fund--state appropriation for fiscal year 2000 and \$283,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to digitize water rights documents and to provide this information to watershed planning groups.

(4) ~~(\$500,000 of the general fund--federal appropriation is provided solely for the department to update its water rights tracking system. \$250,000 of this amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

~~(5))~~ (5) \$1,566,000 of the general fund--federal appropriation, \$1,033,000 of the general fund--private/local appropriation, and \$919,000 of the water quality account appropriation are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

~~((6))~~ (6) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for study of the impacts of gravel removal on the hydrology of Maury Island. The study shall consider impacts to the nearshore environment and aquifer recharge, and assess the potential for groundwater or marine sediment contamination. The department shall contract for the study, which shall be completed by June 30, 2000.

~~((7))~~ (7) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for a study of the impacts of gravel deposit on the Highline aquifer. The study shall consider impacts to instream flow and sedimentation of Des Moines, Miller, and Walker creeks. The department shall contract for the study, which shall be completed by June 30, 2000.

~~((8))~~ (8) The entire freshwater aquatic weeds account appropriation shall be distributed according to the provisions of RCW 43.21A.660. Funding may be provided for chemical control of Eurasian watermilfoil.

~~((9))~~ (9) \$15,000 of the general fund--state appropriation for fiscal year 2000 and \$15,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to monitor and address, in coordination with the marine operations division of the department of transportation, odor problems in Fauntleroy Cove.

~~((10))~~ (10) \$144,000 of the general fund--state appropriation for fiscal year 2000 ~~((7))~~ and \$133,000 of the general fund--state appropriation for fiscal year 2001 ~~((7))~~ ~~and \$277,000 of the general fund--federal appropriation~~ are provided solely for water quality activities related to forest practices. ~~(\$138,500 of the general fund--federal amount may be expended in each fiscal year of the biennium~~

~~only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

~~((11))~~ (10) \$100,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the department to form an advisory committee for the purpose of updating the department's storm water management plan and the Puget Sound storm water management manual. The advisory committee shall be appointed no later than September 1, 1999, and it shall provide its recommendations on storm water management to the legislature by December 31, 2000.

~~((12))~~ (11) \$383,000 of the general fund--state appropriation for fiscal year 2000 and \$384,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for an agency permit assistance center, including four regional permit assistance offices.

~~((13))~~ (12) \$438,000 of the general fund--state appropriation for fiscal year 2000, \$1,025,000 of the general fund--state appropriation for fiscal year 2001, and \$1,870,000 of the general fund--federal appropriation are provided solely ~~((to implement Substitute Senate Bill No. 5670 (noxious weed herbicide)))~~ for the following purposes:

(a) The establishment of total maximum daily loads for surface water bodies across the state. ~~(((\$433,000 of the general fund--state appropriation is to implement the Puget Sound work plan and agency action item DOE 2. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.))~~ If ground water quality is to be addressed by the department in any area that has been designated as a ground water management area and in which ground water quality is currently being addressed as part of a ground water management area process, it shall be addressed in cooperation with that process;

(b) Pilot projects to evaluate the ability of existing voluntary and regulatory programs to improve water quality in water quality limited segments listed pursuant to section 303(d) of the federal clean water act; and

(c) University research to determine the source of fecal coliform bacteria.

Activities under (b) and (c) of this subsection are subject to the following conditions:

Pilot projects under (b) of this subsection shall include the following allocations from the general fund--state amounts provided in this subsection: \$100,000 shall be provided to a conservation district in the Palouse region; \$100,000 shall be provided to the Lake Whatcom management committee through the city of Bellingham; and \$250,000 shall be provided to the Roza-Sunnyside irrigation district joint board of control. Each pilot project sponsor shall provide a report to the legislature by January 1, 2001, describing the water quality goals of the project, how the goals relate to meeting state water quality standards, the strategies to accomplish those goals, and the method of evaluating project effectiveness. The pilot project sponsors shall also submit final reports to the legislature at project completion.

The university research under (c) of this subsection shall be conducted by Washington State University for \$150,000. The university shall develop and apply genetic typing methods in the analysis of fecal coliform bacteria samples in representative water bodies across the state including, but not limited to those water bodies listed as water quality limited because of fecal coliform bacteria under section 303(d) of the federal clean water act. The genetic typing will be used to allow the department to more accurately identify and address the sources of the bacteria. Funding for the fecal coliform genetic typing project shall include salaries for up to three full-time equivalent employees and shall also cover the costs of any necessary equipment.

~~((14))~~ (13) \$591,000 of the general fund--state appropriation for fiscal year 2000 and \$1,131,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to process water rights applications.

~~((15))~~ (14) \$414,000 of the general fund--state appropriation for fiscal year 2000~~((,))~~ and \$383,000 of the general fund--state appropriation for fiscal year 2001~~((, and \$797,000 of the general fund--federal appropriation))~~ are provided solely for technical assistance and project review for water conservation and reuse projects. ~~(((\$398,000 of the general fund--federal appropriation may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

~~((16))~~ (15) The entire salmon recovery account appropriation is provided to increase compliance with existing water quality and water resources laws.

~~((17) \$4,500,000)~~ (16) \$4,250,000 of the general fund--state appropriation for fiscal year 2000~~((, \$4,500,000))~~ and \$4,750,000 of the general fund--state appropriation for fiscal year 2001~~((, and \$1,500,000 of the general fund--federal appropriation))~~ are provided solely for grants to local governments to conduct watershed planning. ~~(((\$750,000 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.))~~ Of the general fund--state amounts provided in this subsection: (a) \$500,000 is provided solely for a grant to the Methow river planning unit to develop baseline hydrological data for the Methow river; and (b) \$85,000 is provided for the lower Yakima/Naches/upper Yakima planning unit contingent upon recommendations of the governor's fact finder that a dual watershed assessment process is necessary. If such a recommendation is not provided, this amount is available for the purposes of this subsection.

~~((18))~~ (17) \$100,000 of the general fund--state appropriation for fiscal year 2000~~((,))~~ and \$82,000 of the general fund--state appropriation for fiscal year 2001~~((, and \$181,000 of the general fund--federal appropriation))~~ are provided solely for the department, in cooperation with the department of fish and wildlife, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities. ~~(((\$90,500 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.))~~

~~((19))~~ (18) \$276,000 of the general fund--state appropriation for fiscal year 2000 and \$207,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5424 (aquatic plant management). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

~~((20))~~ (19) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the continuation of the southwest Washington coastal erosion study.

~~((21))~~ (20) \$638,000 of the oil spill administration account appropriation is provided solely to implement Substitute House Bill No. 2247 (oil spill response tax). Of this amount: (a) \$120,000 is provided solely for spill response equipment; (b) \$307,000 is provided solely to develop an oil spill risk management plan; and (c) \$211,000 is provided solely for spills information management improvements. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

~~((22))~~ (21) \$145,000 of the general fund--state fiscal year 2000 appropriation and \$145,000 of the general fund--state fiscal year 2001 appropriation are provided solely for training and technical assistance to support the activities of county water conservancy boards.

(22) \$925,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementing Substitute Senate Bill No. 6525 (water rights changes). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall be provided solely for grants to local governments to conduct watershed planning.

(23) \$3,154,000 of the general fund--state appropriation for fiscal year 2000 and \$6,649,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain the state's air quality program.

(24) \$749,000 of the public safety and education account--state appropriation is provided solely for methamphetamine lab clean up activities.

(25) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for creating the task force on water storage. The purpose of the task force is to examine the role of increased water storage in providing water supplies to meet the needs of fish, population growth, and economic development, and to enhance the protection of people's lives and their property and the protection of aquatic habitat through flood control facilities. For this purpose, increased storage may be in the form of surface storage including off-stream storage, underground storage, or the enlargement

or enhancement of existing structures. The task force shall also examine means of providing funding for increased water storage.

The department of ecology shall provide staff support for the task force and the director of the department of ecology shall convene the first meeting of the task force not less than thirty days after the effective date of this section.

No member of the task force shall receive compensation, per diem, or reimbursement of expenses from the task force or the department of ecology for his or her activities as a member of the task force. However, each may receive such compensation, per diem, and/or reimbursement as is authorized by the entity he or she is employed by, is appointed from, or represents on the task force.

Following its examination, the task force shall report its recommendations to the appropriate committees of the legislature by December 31, 2000.

(26) \$300,000 of the drought preparedness account--state appropriation is provided solely for a preconstruction analysis of the Roza irrigation district off-stream storage project at Washout canyon.

(27) \$375,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(28) \$1,650,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to the oil spill administration account to be used for a rescue tug. By December 1, 2000, the department shall report to the appropriate fiscal committees of the legislature on the activities of the dedicated rescue tug. The report shall include information on rescues, assists, or responses performed by the tug. The report shall also indicate the class of vessels involved and the nature of the rescue, assist, or response.

(29) \$1,430,000 of the general fund--state appropriation for fiscal year 2001, \$350,000 of the water quality account appropriation, and \$105,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(30) Within the funds appropriated in this section, the department shall develop for review by the legislature a proposed long-term strategy to address persistent, bio-accumulative and toxic chemicals in the environment. The department shall submit its proposal to the appropriate legislative committees by December 30, 2000.

Sec. 302. 1999 c 309 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2000) \$

((27,498,000))

27,522,000

General Fund--State Appropriation (FY 2001) \$

((28,073,000))

28,227,000

General Fund--Federal Appropriation \$

2,113,000

General Fund--Private/Local Appropriation \$

59,000

Winter Recreation Program Account--State Appropriation \$

763,000

Off Road Vehicle Account--State Appropriation \$

264,000

Snowmobile Account--State Appropriation \$

3,653,000

Aquatic Lands Enhancement Account--State Appropriation \$

325,000

Public Safety and Education Account--State Appropriation \$

Water Trail Program Account--State Appropriation \$	48,000
Parks Renewal and Stewardship Account-- State Appropriation \$	14,000
	25,907,000
TOTAL APPROPRIATION \$	((88,717,000))
	<u>88,895,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03.
- (2) ~~((\$105,000))~~ \$65,000 of the general fund--state appropriation for fiscal year 2000 and ~~((\$31,000))~~ \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state parks and recreation commission to meet its responsibilities under the Native American graves protection and repatriation act (P.L. 101-601).
- (3) \$2,000,000 of the parks renewal and stewardship account appropriation is dependent upon the parks and recreation commission generating revenue to the account in excess of \$26,000,000 for the biennium. These funds shall be used for deferred maintenance and visitor and ranger safety activities.
- (4) \$772,000 of the general fund--state appropriation for fiscal year 2000 and \$849,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.
- (5) Fees approved by the state parks and recreation commission in 1998 for camping, group camping, extra vehicles, and the sno-park daily permit are authorized to exceed the fiscal growth factor under RCW 43.135.055.
- (6) ~~((\$40,000))~~ \$79,000 of the general fund--state appropriation for fiscal year 2000 and ~~((\$40,000))~~ \$79,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a grant for the operation of the Northwest avalanche center.
- (7) The state parks and recreation commission may increase fees adopted prior to January 1, 2000, for implementation on or after July 1, 2000, in excess of the fiscal growth factor under RCW 43.135.055.
- (8) \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a study on existing and future recreational needs and opportunities on the west slope of the Cascade foothills. The study shall include an inventory of existing land and facilities, an assessment of projected demand, and recommendations for regional coordination among public and private outdoor recreation providers to promote expanded recreation opportunities within the Cascade foothills. The study shall be submitted to the governor and the appropriate committees of the legislature by June 30, 2001.

Sec. 303. 1999 sp.s. c 13 s 21 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 General Fund--State Appropriation (FY 2000) \$

	137,000
General Fund--State Appropriation (FY 2001) \$	
	138,000
<u>General Fund--Federal Appropriation \$</u>	
	<u>3,332,000</u>
Firearms Range Account--State Appropriation \$	
	34,000
Recreation Resources Account--State Appropriation \$	
	2,370,000

Recreation Resources Account--Federal Appropriation \$	11,000
NOVA Program Account--State Appropriation \$	604,000
TOTAL APPROPRIATION \$	((3,294,000))
	<u>6,626,000</u>

The appropriations in this section are subject to the following conditions and limitations:
 \$137,000 of the fiscal year 2000 general fund--state appropriation and \$138,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079 (salmon recovery). If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

Sec. 304. 1999 c 309 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2000) \$	((2,630,000))
	<u>2,580,000</u>
General Fund--State Appropriation (FY 2001) \$	((2,634,000))
	<u>2,384,000</u>
((General Fund--Federal Appropriation \$	1,800,000))
Salmon Recovery Account--State Appropriation \$	3,618,000
Water Quality Account--State Appropriation \$	444,000
TOTAL APPROPRIATION \$	((11,126,000))
	<u>9,026,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$182,000 of the general fund--state appropriation for fiscal year 2000, \$182,000 of the general fund--state appropriation for fiscal year 2001, and \$130,000 of the water quality account appropriation are provided solely for the implementation of the Puget Sound work plan agency action item CC-01.

(2) \$550,000 of the general fund--state appropriation for fiscal year 2000 and \$550,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to conservation districts to reduce nitrate contamination in the Columbia Basin ground water management area.

(3) \$1,968,000 of the salmon recovery account appropriation is provided solely for conducting limiting factors analysis for salmon species.

(4) \$250,000 of the salmon recovery account appropriation is provided solely for the agriculture, fish, and water negotiation process, including a facilitated review of the field office technical guides of the federal natural resource conservation service to ensure the guides meet the requirements of the federal endangered species act and clean water act.

(5) \$500,000 of the salmon recovery account appropriation ~~((and \$1,500,000 of the general fund--federal appropriation are))~~ is provided solely for a volunteer salmon recovery initiative ~~((--The salmon recovery account appropriation is provided))~~ for volunteer coordination through regional fisheries enhancement groups. ~~(((\$750,000 of the general fund--federal amount may be expended in~~

~~each fiscal year only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.-)~~

~~(6) \$900,000 of the salmon recovery account appropriation ((and \$300,000 of the general fund--federal appropriation are)) is provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources. ((\$150,000 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.-))~~

Sec. 305. 1999 c 309 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2000) \$	((42,896,000))
	<u>42,731,000</u>
General Fund--State Appropriation (FY 2001) \$	((42,443,000))
	<u>44,649,000</u>
General Fund--Federal Appropriation \$	((42,755,000))
	<u>37,380,000</u>
General Fund--Private/Local Appropriation \$	((14,416,000))
	<u>16,800,000</u>
Off Road Vehicle Account--State Appropriation \$	490,000
Aquatic Lands Enhancement Account--State Appropriation \$	((6,432,000))
	<u>5,992,000</u>
Public Safety and Education Account--State Appropriation \$	586,000
Recreational Fisheries Enhancement Account-- State Appropriation \$	3,596,000
Salmon Recovery Account--State Appropriation \$	9,316,000
Warm Water Game Fish Account--State Appropriation \$	((2,419,000))
	<u>2,499,000</u>
Eastern Washington Pheasant Enhancement Account--State Appropriation \$	((551,000))
	<u>851,000</u>
Wildlife Account--State Appropriation \$	

	((40,293,000))
	<u>40,961,000</u>
Wildlife Account--Federal Appropriation \$	((40,040,000))
	<u>38,040,000</u>
Wildlife Account--Private/Local Appropriation \$	((13,072,000))
	<u>15,072,000</u>
Game Special Wildlife Account--State Appropriation \$	1,939,000
Game Special Wildlife Account--Federal Appropriation \$	9,603,000
Game Special Wildlife Account--Private/Local Appropriation \$	350,000
Environmental Excellence Account--State Appropriation \$	15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation \$	((750,000))
	<u>1,750,000</u>
Oil Spill Administration Account--State Appropriation \$	969,000
TOTAL APPROPRIATION \$	((272,931,000))
	<u>273,589,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,252,000 of the general fund--state appropriation for fiscal year 2000 and \$1,244,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-02, DFW-03, DFW-04, and DFW-05.

(2) \$776,000 of the salmon recovery account appropriation (~~and \$775,000 of the general fund--federal appropriation are~~) is provided solely for the department's review of forest practices applications and related hydraulic permit applications. (~~Up to \$387,500 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~)

(3) \$1,500,000 of the salmon recovery account appropriation (~~and \$1,500,000 of the general fund--federal appropriation are~~) is provided solely for the department to update the salmon and steelhead stock inventory and, in cooperation with the department of ecology, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities. (~~Up to \$750,000 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~)

(4) \$232,000 of the general fund--state appropriation for fiscal year 2000 and \$232,000 of the general fund--state appropriation for fiscal year 2001 are provided for the control of European green crab (*Carcinus maenas*). The department shall submit a report to the governor and the appropriate legislative committees by September 1, 2000, evaluating the effectiveness of various control strategies and providing recommendations on long-term control strategies. \$248,000 of this amount is for implementation of Puget Sound work plan and agency action item DFW-23.

(5) \$191,000 of the general fund--state appropriation for fiscal year 2000 and \$191,000 of the general fund--state appropriation for fiscal year 2001 are provided for noxious weed control and survey activities on department lands. Of this amount, \$48,000 is provided for the biological control of yellowstar thistle.

(6) All salmon habitat restoration and protection projects proposed for funding by regional fisheries enhancement groups shall be submitted by January 1st or July 1st of each year for review to the salmon recovery funding board.

(7) \$2,340,000 of the salmon recovery account appropriation and \$7,000,000 of the general fund--federal appropriation are provided solely to implement a license buy-back program for commercial fishing licenses.

(8) \$511,000 of the general fund--state appropriation for fiscal year 2000 and \$488,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(9) Any indirect cost reimbursement received by the department from federal grants must be spent on agency administrative activities and cannot be redirected to direct program activities.

(10) \$43,000 of the general fund--state appropriation for fiscal year 2000 and \$42,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) \$32,000 of the general fund--state appropriation for fiscal year 2000 and \$33,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5508 (crab catch record cards). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) \$6,440,000 of the general fund--state appropriation for fiscal year 2000, \$5,796,000 of the general fund--state appropriation for fiscal year 2001, \$12,260,000 of the wildlife account--state appropriation, \$710,000 of the aquatic lands enhancement account appropriation, and \$500,000 of the public safety and education account appropriation are provided solely for operation of the enforcement division. Within these funds, the department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within these funds, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(14) \$500,000 of the salmon recovery account, \$624,000 of the general fund--state appropriation for fiscal year 2000, and \$624,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to implement a hatchery endangered species act response. The strategy shall include emergency hatchery responses and retrofitting of hatcheries for salmon recovery.

(15) \$45,000 of the general fund--state appropriation for fiscal year 2000 and \$46,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for operation of the Rod Meseberg (ringold) warm water fish hatchery to implement House Bill No. 1716 (warm water fish culture). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(16) \$2,500,000 of the salmon recovery account appropriation is provided solely for grants to lead entities established in accordance with RCW 75.46.060.

(17) \$200,000 of the salmon recovery account appropriation (~~and \$600,000 of the general fund--federal appropriation are~~) is provided solely for salmon and steelhead predation control, bycatch monitoring, and selective harvest strategies. (~~(\$300,000 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.)~~)

(18) \$50,000 of the general fund--state appropriation for fiscal year 2000 (and), \$50,000 of the general fund--state appropriation for fiscal year 2001, and \$250,000 of the wildlife account--state appropriation are provided solely for additional field surveys of the Olympic Peninsula, North Rainier, and Packwood/South Rainier elk herds.

(19) ~~(\$425,000)~~ \$155,000 of the general fund--state appropriation for fiscal year 2000 and ~~(\$75,000)~~ \$345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to purchase and implement the automated recreational license data base system.

(20) \$1,400,000 of the general fund--state appropriation for fiscal year 2000 and \$1,400,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fish passage barrier and screening technical assistance, engineering services, and construction assistance for local governments, state agencies, volunteer groups, and regional fisheries enhancement groups.

(21) \$1,500,000 of the salmon recovery account appropriation ~~((and \$500,000 of the general fund--federal appropriation are))~~ is provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources. ~~(\$250,000 of the general fund--federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001--)~~

(22) \$400,000 of the wildlife account appropriation is provided solely to implement House Bill No. 1681 (trout purchase by state). The fish and wildlife commission may authorize expenditure of these funds only if the costs of the program will be recovered by the increase in license sales directly attributable to the planting of privately grown trout. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(23) ~~(\$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5508 (crab fishery catch records). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(24))~~ \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(24) \$65,000 of the general fund--state appropriation for fiscal year 2000, \$57,000 of the general fund--state appropriation for fiscal year 2001, and \$123,000 of the wildlife fund--state appropriation are provided solely for winter feeding of deer and winter range rehabilitation on the Chiliwist wildlife area.

(25) \$400,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of the Puget Sound work plan agency action items DFW-10 and DFW-18, implementing a comprehensive Puget Sound ground fish and forage fish recovery plan.

(26) \$800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for additional enforcement staff to respond and take appropriate action in response to public complaints regarding bear and cougar, and to perform other enforcement activities.

(27) \$130,000 of the wildlife account--state appropriation is provided solely for operation of the Reiter pond hatchery.

(28) \$703,000 of the general fund--state appropriation for fiscal year 2001 and \$70,000 of the wildlife account--state appropriation are provided solely to implement an endangered species act strategy for state hatchery operations. Of the amounts provided in this subsection:

(a) \$520,000 is provided for rearing strategies, fish passage and screen compliance at facilities to support wild stock rehabilitation efforts and for restoring production at targeted facilities;

(b) \$203,000 is provided to study Lake Washington sockeye; and

(c) \$50,000 is provided solely for the Colville hatchery.

(29) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 306. 1999 c 309 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2000) \$	25,784,000
General Fund--State Appropriation (FY 2001) \$	((25,641,000))
	<u>28,531,000</u>
General Fund--Federal Appropriation \$	((12,656,000))
	<u>2,865,000</u>
General Fund--Private/Local Appropriation \$	((420,000))
	<u>1,604,000</u>
Forest Development Account--State Appropriation \$	((46,029,000))
	<u>48,056,000</u>
Off Road Vehicle Account--State Appropriation \$	3,668,000
Surveys and Maps Account--State Appropriation \$	2,221,000
Aquatic Lands Enhancement Account--State Appropriation \$	((2,656,000))
	<u>2,356,000</u>
Resources Management Cost Account--State Appropriation \$	((77,016,000))
	<u>79,032,000</u>
<u>Disaster Response Account--State Appropriation \$</u>	<u>2,651,000</u>
Surface Mining Reclamation Account--State Appropriation \$	1,435,000
Salmon Recovery Account--State Appropriation \$	3,483,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation \$	((764,000))
	<u>1,014,000</u>
Natural Resource Conservation Areas Stewardship Account Appropriation \$	1,100,000
Air Pollution Control Account--State Appropriation \$	((864,000))
	<u>687,000</u>
Metals Mining Account--State Appropriation \$	63,000

Agricultural College Trust Management Account Appropriation \$

1,736,000

TOTAL APPROPRIATION \$

~~((205,536,000))~~

206,286,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$18,000 of the general fund--state appropriation for fiscal year 2001, and \$1,058,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$7,304,000 of the general fund--state appropriation for fiscal year 2000 ~~((and))~~, \$7,304,000 of the general fund--state appropriation for fiscal year 2001, and \$2,651,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression.

(3) \$331,000 of the general fund--state appropriation for fiscal year 2000 and \$339,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for geologic studies to evaluate ground stability in high growth areas and to provide geologic expertise to small communities.

(4) \$663,000 of the general fund--state appropriation for fiscal year 2000 and \$689,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) ~~\$3,483,000 of the salmon recovery account appropriation and ((\$10,991,000 of the general fund--federal appropriation are provided for the department to implement changes in forest practice rules for the protection of salmon. \$5,495,500 of the general fund--federal appropriation may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001))~~ \$3,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of chapter 4, Laws of 1999 sp. sess.

(a) Of the salmon recovery account appropriation in this subsection (5):

(i) \$2,580,000 is provided solely for costs associated with adopting and implementing new forest rules for protection of riparian habitat and water quality; road maintenance and abandonment planning; fish and water quality compliance staff; geographic information systems improvements for forest roads and hydrography; and updating the forest practices permit application system; and

(ii) \$903,000 is provided solely to implement sections 501 through 505 of chapter 4, Laws of 1999 sp. sess., including:

(A) The establishment of a small landowner office;

(B) Administration of the forestry riparian easement program;

(C) Contracting with private consultants to perform timber cruises;

(D) Development of small landowner options through alternate management plans;

(E) Evaluation of cumulative impacts of alternate plans;

(F) Establishment of a small landowners advisory committee;

(G) Development of criteria for determining compensation for qualifying timber; and

(H) Collection and reporting of the statistical information on small landowners as directed in section 503 of chapter 4, Laws of 1999 sp. sess.

(b) Of the general fund--state appropriation in this subsection (5):

(i) \$872,000 is provided solely for the department to implement sections 501 through 505 of chapter 4, Laws of 1999 sp. sess., including providing technical assistance for small forest landowners for the following:

(A) Determining streamside buffers;

(B) Preparation of road management plans;

(C) Participation in watershed analysis and adaptive management;

(D) Determining culvert replacement needs; and

(E) Developing alternate plans to comply with forest and fish rules; and
(ii) \$2,128,000 is provided solely for cooperative monitoring, evaluation, and research projects; hazard zonation; adopting and implementing new forest rules to protect riparian habitat and water quality; and geographic information systems improvements for forest roads and hydrography.

(6) \$44,000 of the resource management cost account appropriation is provided solely for maintenance and safety improvements at the Gull Harbor marine station. The department shall develop a plan for use or disposal of the marine station by December 1, 1999.

(7) \$582,000 of the resource management cost account appropriation is provided solely to expand geoduck resource management activities.

(8) \$172,000 of the resource management cost account appropriation is provided solely to convert aquatic land maps and records to an electronic format.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control. Within these amounts, the department shall continue support for a field study of biological control methods.

(10) \$2,000,000 of the general fund--state appropriation for fiscal year 2000 and \$2,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fire protection activities.

(11) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(12) \$1,100,000 of the natural resources conservation areas stewardship account is provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

(13) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(14) \$2,000,000 of the forest development account appropriation is provided solely for immediate road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

Sec. 307. 1999 c 309 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2000) \$

~~((7,476,000))~~

7,876,000

General Fund--State Appropriation (FY 2001) \$

~~((7,316,000))~~

7,516,000

General Fund--Federal Appropriation \$

4,440,000

General fund--Private/Local Appropriation \$

410,000

Aquatic Lands Enhancement Account--State Appropriation \$

818,000

State Toxics Control Account--State Appropriation \$

1,365,000

Local Toxics Control Account--State Appropriation \$

241,000

TOTAL APPROPRIATION \$

~~((22,066,000))~~

22,666,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the general fund--state appropriation for fiscal year 2000 and \$37,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for technical assistance on pesticide management, including the implementation of the Puget Sound work plan and agency action item DOA-01.

(2) \$241,000 of the local toxics control account appropriation is provided solely to implement chapter 36, Laws of 1998 (fertilizer regulation). The amount provided in this subsection shall be used to conduct a comprehensive study of plant uptake of metals and to implement new fertilizer registration requirements.

(3) \$133,000 of the general fund--state appropriation for fiscal year 2000 and \$127,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for technical assistance to local watershed and salmon recovery planning efforts.

(4) \$400,000 of the general fund--state appropriation for fiscal year 2000 and \$200,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities to control and eradicate infestations of the asian gypsy moth.

PART IV TRANSPORTATION

Sec. 401. 1999 c 309 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2000) \$

~~((5,519,000))~~

5,630,000

General Fund--State Appropriation (FY 2001) \$

~~((4,947,000))~~

4,871,000

Architects' License Account--State Appropriation \$

~~((754,000))~~

678,000

Cemetery Account--State Appropriation \$

~~((203,000))~~

205,000

Profession Engineers' Account--State Appropriation \$

~~((2,828,000))~~

2,703,000

Real Estate Commission--State Appropriation \$

~~((7,114,000))~~

6,824,000

Master License Account--State Appropriation \$

~~((7,423,000))~~

7,317,000

Uniform Commercial Code Account--State Appropriation \$

~~((3,472,000))~~

3,448,000

Real Estate Education Account--State Appropriation \$

	((606,000))
	<u>630,000</u>
Funeral Directors and Embalmers Account--State Appropriation \$	((457,000))
	<u>472,000</u>
Washington Real Estate Research Account Appropriation \$	((368,000))
	<u>313,000</u>
TOTAL APPROPRIATION \$	((33,691,000))
	<u>33,091,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2000, \$25,000 of the general fund--state appropriation for fiscal year 2001, and \$100,000 of the professional engineers' account appropriation are provided solely for Second Substitute Senate Bill No. 5821 (on-site wastewater treatment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) ((~~\$368,000~~)) \$297,000 of the Washington real estate research account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5720 (real estate research). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

Sec. 402. 1999 c 309 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2000) \$	((22,129,000))
	<u>21,496,000</u>
General Fund--State Appropriation (FY 2001) \$	((20,858,000))
	<u>20,851,000</u>
General Fund--Federal Appropriation \$	3,999,000
General Fund--Private/Local Appropriation \$	344,000
Death Investigations Account--State Appropriation \$	((2,816,000))
	<u>3,689,000</u>
Public Safety and Education Account--State Appropriation \$	((6,867,000))
	<u>9,581,000</u>
County Criminal Justice Assistance Account--State Appropriation \$	((4,641,000))
	<u>2,887,000</u>
Municipal Criminal Justice Assistance Account--State Appropriation \$	((1,831,000))

Fire Service Trust Account--State Appropriation \$	1,118,000
	125,000
<u>Disaster Response Account--State Appropriation \$</u>	<u>1,386,000</u>
Fire Service Training Account--State Appropriation \$	6,730,000
State Toxics Control Account--State Appropriation \$	442,000
Violence Reduction and Drug Enforcement Account--State Appropriation \$	260,000
Fingerprint Identification Account--State Appropriation \$	((2,392,000))
	<u>2,958,000</u>
TOTAL APPROPRIATION \$	((73,434,000))
	<u>75,866,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$255,000 of the general fund--state appropriation for fiscal year 2000 and \$95,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for replacement of fire training equipment at the fire service training academy.

(2) ~~(\$430,000)~~ \$604,000 of the public safety and education account appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5108 (missing/exploited children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$2,816,000 of the death investigation account appropriation is provided solely for the implementation of Substitute House Bill No. 1560 (forensic lab services). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$2,900,000 of the fire service training account appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5102 (fire fighter training). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse. In providing the fire fighter one training program required by the bill, the state patrol shall, to the extent possible, utilize existing public and private fire fighting training facilities in southeastern Washington.

(5) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(6) \$66,000 of the general fund--state appropriation for fiscal year 2000 and \$58,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities of the missing children's clearinghouse as related to services performed under subsection 202(1) of this act. If that subsection is not enacted, the amount provided in this subsection shall lapse.

(7) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(8) \$300,000 of the death investigations account--state appropriation is provided solely for the operation of the state toxicology laboratory. If House Bill No. 2330 (liquor disbursements) is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) \$1,386,000 of the disaster response account--state appropriation is provided solely for costs associated with the state patrol's participation in support of the world trade organization conference.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 2420 (oil/gas pipeline safety). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

**PART V
EDUCATION**

Sec. 501. 1999 c 309 s 501 (uncodified) is amended to read as follows:
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE
ADMINISTRATION**

General Fund--State Appropriation (FY 2000) \$	((27,800,000))
	<u>27,662,000</u>
General Fund--State Appropriation (FY 2001) \$	((26,535,000))
	<u>29,271,000</u>
General Fund--Federal Appropriation \$	((78,121,000))
	<u>83,099,000</u>
<u>Emergency Reserve Fund--State Appropriation \$</u>	<u>4,000,000</u>
Public Safety and Education Account--State Appropriation \$	((6,602,000))
	<u>6,252,000</u>
Health Services Account Appropriation \$	((5,242,000))
	<u>6,074,000</u>
Violence Reduction and Drug Enforcement Account Appropriation \$	((3,671,000))
	<u>8,876,000</u>
TOTAL APPROPRIATION \$	((147,971,000))
	<u>165,234,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$404,000 of the general fund--state appropriation for fiscal year 2000 and \$403,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$348,000 of the ~~((public safety and education account))~~ general fund--state appropriation is provided for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(c) \$128,000 of the general fund--state appropriation is provided solely for increased costs of providing a norm-referenced test to all third grade students and retests of certain third grade students and other costs in accordance with chapter 319, Laws of 1998 (student achievement).

(d) \$145,000 of the general fund--state appropriation is provided for an institutional education program director.

(2) STATE-WIDE PROGRAMS

(a) \$2,524,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center. Of this amount, \$350,000 is provided to add a math van.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,754,000 of the general fund--state appropriation is provided for educational centers, including state support activities. \$100,000 of this amount is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$100,000 a biennium.

(d) \$100,000 of the general fund--state appropriation is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(e) (~~(\$3,671,000)~~) \$8,876,000 of the violence reduction and drug enforcement account appropriation and \$2,252,000 of the public safety education account appropriation are provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(f) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$200,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(g) \$1,500,000 of the general fund--state appropriation for fiscal year 2000 and \$1,500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(h) A maximum of \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(i) \$5,702,000 of the general fund--state appropriation is provided solely for shared infrastructure costs, data equipment maintenance, and depreciation costs for operation of the K-20 telecommunications network.

(j) \$4,000,000 of the general fund--state appropriation is provided solely for a K-20 telecommunications network technical support system in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 may be expended for state-level administration and staff training on the K-20 network.

(k) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for allocation to the primary coordinators of the state geographic alliance to improve the teaching of geography in schools.

(l) \$2,000,000 of the public safety and education account appropriation is provided for start-up grants for alternative programs and services that improve instruction and learning for at-risk students. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including:

(i) Students who are disruptive or have been suspended, expelled, or subject to other disciplinary actions;

(ii) Students with unexcused absences who need intervention;

(iii) Students who have left school; and

(iv) Students involved with the court system.

(m) \$1,600,000 of the general fund--state appropriation is provided for grants for magnet schools.

(n) \$4,300,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to amounts shown in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

~~(o) (\$262,000 of the general fund--state appropriation for fiscal year 2000 and \$235,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Substitute Senate Bill No. 5593 (professional educator standards board). If Substitute Senate Bill No. 5593 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.~~

~~(p) \$200,000 of the general fund--state appropriation is provided solely for the purposes of Substitute Senate Bill No. 5413 (teacher assessment/certification). If Substitute Senate Bill No. 5413 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.~~

~~(q)) \$431,000 of the general fund--state appropriation is provided solely to implement Engrossed House Bill No. 2760 (educator quality). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.~~

(p) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to schools and school districts to establish school safety plans.

((+)) (q) \$5,242,000 of the health services account appropriation is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

((+)) (r) \$50,000 of the general fund--state appropriation is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices.

((+)) (s) \$750,000 of the general fund--state appropriation is provided solely for computer system programming and upgrades to benefit the office of the superintendent of public instruction, schools, and school districts.

((+)) (t) \$21,000 of the general fund--state appropriation for fiscal year 2000 appropriation and \$21,000 of the general fund--state appropriation for fiscal year 2001 appropriation are provided solely for the increased costs resulting from Engrossed Second Substitute House Bill No. 1477 (school district organization). If the bill is not enacted by June 30, 1999, the amounts in this subsection shall lapse.

((+)) (u) \$1,500,000 of the general fund--state appropriation is provided solely for the excellence in mathematics training program as specified in Substitute House Bill No. 1569 (excellence in mathematics). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

((+)) (v) \$2,000,000 of the public safety and education account appropriation is provided solely for teacher institutes during the summer of 2000, programs, and administration costs, as provided for in Engrossed Second Substitute House Bill No. 2085 (disruptive students). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

~~((x) \$100,000)~~ (w) \$200,000 of the general fund--state appropriation is provided solely for support for vocational student leadership organizations.

((+)) (x) \$1,100,000 of the general fund--state appropriation is provided for an equal matching grant to the Northeast vocational area cooperative to establish high-technology learning centers to provide college-level technology curriculum for high school students leading to an information technology certificate or degree. Only the following sources may be used as matching for the state funds: Private sector contributions; operating levy revenues; capital levy revenues; technology levy revenues; or other local funds not from federal or state sources.

((+)) (y) \$75,000 of the general fund--state appropriation is provided for speech pathology grants to charitable organizations as qualified under the internal revenue code and incorporated under

the laws of the state of Washington. These grants shall be used for the purpose of providing childhood speech pathology by nationally certified speech pathologists to children who have demonstrated a lack of verbal communication skills and who would benefit from such a program. Speech pathology services shall be provided at no cost to the child receiving the benefits or to the parents or guardians of the child.

~~((aa))~~ (z) \$500,000 of the general fund--state appropriation is provided solely for competitive grants to school districts to obtain curriculum or programs that allow high school students to have access to internet-based curriculum that leads directly to higher education credits or provides preparation for tests that lead to higher education credit in subjects including but not limited to mathematics, languages, and science.

~~((bb))~~ (aa) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and ~~(\$1,000,000)~~ \$1,800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for grants to school districts for programs to prepare high school students to achieve information technology industry skills certifications. The funds may be expended to provide or improve internet access; purchase and install networking or computer equipment; train faculty; or acquire curriculum materials. A match of cash or in-kind contributions from nonstate sources equal to at least half of the cash amount of the grant is required. To assure continuity of the curriculum with higher education institutions, the grant program will be designed and implemented by an interagency team comprised of representatives from the office of the superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management. School districts may apply for grants in cooperation with other school districts or community or technical colleges and must demonstrate in the grant application a cooperative relationship with a community or technical college in information technology programs. Preference for grants shall be made to districts with sound technology plans, which offer student access to computers outside of school hours, which demonstrate involvement of the private sector in information technology programs, and which serve the needs of low-income communities.

(bb) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington civil liberties education program pursuant to Engrossed Second Substitute House Bill No. 1572 (civil liberties education). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(cc) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the World War II oral history project pursuant to Substitute House Bill No. 2418 (WWII oral history project). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(dd) \$431,000 of the general fund--state appropriation is provided solely for the purchase of filtering servers necessary for districts to implement a computer technology filtering system for schools. Priority shall be given to districts that do not have any filtering systems in place. Funding shall be provided only at the request of that district's school board.

(ee) \$885,000 of the general fund--state appropriation is provided solely for the future teacher conditional scholarship program under chapter 28B.102 RCW. Scholarships may be provided to eligible classified employees. The office of the superintendent of public instruction may operate this program through an interagency agreement with the higher education coordinating board.

(ff) \$832,000 of the health services account appropriation is provided solely for nursing assistant training under chapter 18.88A RCW. Up to \$660 is provided for each school building serving K-5 students. Funding shall be used for training program expenses, including tuition and state certification costs. Districts shall provide the office of the superintendent of public instruction documentation on the use of training funds to certify that funds are expended only for training and associated expenses.

(gg) \$4,000,000 of the emergency reserve appropriation is provided solely for one-time grants to school districts for fuel costs associated with unexpected price increases in calendar year 2000. Grants shall be provided to districts on the basis of weighted pupil miles during the 1999-00 school year.

Sec. 502. 1999 c 309 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT ((~~BASIC EDUCATION~~))

General Fund--State Appropriation (FY 2000) \$

((~~3,545,737,000~~))

3,505,477,000

General Fund--State Appropriation (FY 2001) \$

((~~3,551,100,000~~))

3,480,312,000

TOTAL APPROPRIATION \$

((~~7,096,837,000~~))

6,985,789,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 1999-00 and 2000-01 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection.

Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iii) shall only be

expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students for the 1999-00 school year and the 2000-01 school year. Districts documenting staffing ratios of less than 1 certificated staff per 19.5 students shall be allocated the greater of the total ratio in subsections (2)(a)(i) and (iv) of this section or the actual documented ratio; and

(B) Skills center programs meeting the standards for skill center funding recommended by the superintendent of public instruction, January 1999, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Indirect cost charges, as defined by the superintendent of public instruction, to vocational-secondary programs shall not exceed 10 percent; and

(iii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1999-00 and 2000-01 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((16.97))~~ 16.49 percent in the 1999-00 school year and 15.62 percent in the 2000-01 school year(s) for certificated salary allocations provided under subsection (2) of this section, and a rate of ~~((15.75))~~ 15.56 percent in the 1999-00 school year and 15.82 percent in the 2000-01 school year(s) for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,117 per certificated staff unit in the 1999-00 school year and a maximum of ~~((8,271))~~ \$8,239 per certificated staff unit in the 2000-01 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$19,933 per certificated staff unit in the 1999-00 school year and a maximum of ~~((20,312))~~ \$20,232 per certificated staff unit in the 2000-01 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$15,467 per certificated staff unit in the 1999-00 school year and a maximum of ~~((15,761))~~ \$15,699 per certificated staff unit in the 2000-01 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$365.28 for the 1999-00 school year and \$479.94 for the 2000-01 school year per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1998-99 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for

more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of (~~(\$6,444,000)~~) \$8,390,000 outside the basic education formula during fiscal years 2000 and 2001 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$457,000 may be expended in fiscal year 2000 and a maximum of (~~(\$466,000)~~) \$464,000 may be expended in fiscal year 2001;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended each fiscal year;

(c) A maximum of \$325,000 may be expended for school district emergencies; (~~and~~)

(d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs(~~-~~); and

(e) A maximum of \$1,558,000 of the general fund--state appropriation for fiscal year 2000 and \$390,000 of the general fund--state appropriation for fiscal year 2001 are provided for the 1999-00 school year for districts which experience an enrollment decline in the 1999-00 school year from the 1998-99 school year of more than 4.5 percent in full-time equivalent enrollment or more than 300 full-time equivalent students. The superintendent shall allocate funds to eligible school districts for up to one-quarter of the enrollment loss at the basic education unenhanced rate for the district. School districts receiving small school factor bonus funds shall not be eligible for enrollment decline funds to the extent that the district has no state apportionment loss as a result of the enrollment decline.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under chapter 309, Laws of 1999, including appropriations for salary and benefits increases, is 4.0 percent from the 1998-99 school to the 1999-00 school year, and 3.0 percent from the 1999-00 school year to the 2000-01 school year. This subsection supersedes section 1, chapter 10, Laws of 1999 sp. sess.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 1999 c 309 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate year, by the district's average staff mix factor for basic education and special education certificated instructional staff in that school year, computed using LEAP Document 1S; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E for the appropriate year.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.155 RCW in positions requiring a certificate;

(b) "LEAP Document 1S" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 16:55 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 1999-00 and 2000-01 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 18:53 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of ~~((16.33))~~ 15.85 percent for school year 1999-00 and 14.98 percent for school year 2000-01 for certificated staff and ~~((12.25))~~ 12.06 percent for school year 1999-00 and 12.32 percent for school year 2000-01 for classified staff ~~((for both years of the biennium))~~.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

1999-00 K-12 Salary Schedule for Certificated Instructional Staff

Years of
Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0	25,716	26,410	27,130	27,850	30,165
1	26,062	26,765	27,494	28,248	30,586
2	26,649	27,367	28,111	28,930	31,284
3	27,527	28,267	29,033	29,895	32,291
4	28,146	28,927	29,705	30,605	33,040
5	28,790	29,581	30,375	31,334	33,785
6	29,161	29,935	30,756	31,765	34,203
7	30,113	30,906	31,747	32,820	35,319
8	31,079	31,915	32,776	33,938	36,471
9	32,960	33,863	35,067	37,659	
10	34,964	36,255	38,881		
11	37,477	40,161			
12	38,660	41,474			
13	42,820				
14	44,173				
15	45,322				
16 or more	46,228				

Years of MA+ 90
Service BA+ 135 MA MA+ 45 or PHD

0	31,656	30,831	33,146	34,637
1	32,068	31,174	33,511	34,994
2	32,797	31,827	34,181	35,694
3	33,871	32,794	35,189	36,769
4	34,647	33,476	35,910	37,518
5	35,440	34,176	36,627	38,282
6	35,866	34,551	36,989	38,653
7	37,047	35,607	38,105	39,833
8	38,261	36,724	39,257	41,048
9	39,511	37,853	40,446	42,297
10	40,795	39,042	41,668	43,581

11	42,112	40,264	42,948	44,899
12	43,485	41,534	44,261	46,271
13	44,890	42,848	45,607	47,677
14	46,349	44,202	47,047	49,136
15	47,554	45,351	48,270	50,413
16 or more	48,505	46,258	49,236	51,421

2000-01 K-12 Salary Schedule for Certificated Instructional Staff

Years of
Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0	26,487	27,203	27,943	28,686	31,070
1	26,843	27,568	28,319	29,095	31,503
2	27,448	28,189	28,954	29,798	32,223
3	28,352	29,115	29,904	30,792	33,260
4	28,991	29,794	30,596	31,524	34,031
5	29,653	30,469	31,286	32,274	34,798
6	30,036	30,833	31,679	32,718	35,229
7	31,017	31,833	32,699	33,805	36,378
8	32,011	32,873	33,759	34,956	37,565
9	33,949	34,879	36,119	38,789	
10	36,013	37,343	40,048		
11	38,601	41,366			
12	39,820	42,718			
13	44,105				
14	45,498				
15	46,681				
16 or more	47,615				

Years of MA+ 90
Service BA+ 135 MA MA+ 45 or PHD

0	32,605	31,756	34,140	35,676
1	33,030	32,109	34,517	36,044
2	33,781	32,782	35,207	36,765
3	34,887	33,778	36,245	37,872
4	35,687	34,480	36,988	38,643
5	36,503	35,202	37,726	39,431
6	36,942	35,588	38,099	39,813
7	38,158	36,675	39,249	41,028
8	39,409	37,826	40,435	42,279
9	40,696	38,989	41,659	43,566
10	42,018	40,213	42,918	44,889
11	43,375	41,471	44,236	46,246
12	44,789	42,780	45,589	47,659
13	46,237	44,134	46,975	49,107
14	47,739	45,528	48,459	50,610
15	48,981	46,711	49,719	51,926
16 or more	49,960	47,645	50,713	52,964

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include a 1.67 percent increase for three learning improvement days added in the 1999-00 school year and maintained in the 2000-01 school year. A school district is eligible for the learning improvement day funds for school years 1999-00 and 2000-01, only if three days have been added to the base contract in effect for the 1998-99 school year. If fewer than three days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

Sec. 504. 1999 c 309 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE
COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2000) \$

~~((187,659,000))~~

186,314,000

General Fund--State Appropriation (FY 2001) \$

~~((348,636,000))~~

344,013,000

TOTAL APPROPRIATION \$

~~((536,295,000))~~

530,327,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((412,995,000))~~ \$406,511,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1999, and another 3.0 percent effective September 1, 2000, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of ~~((16.33))~~ 15.85 percent for school year 1999-00 and 14.98 percent for school year 2000-01 for

certificated staff and ~~((12.25))~~ 12.06 percent for school year 1999-00 and 12.32 percent for school year 2000-01 for classified staff. The appropriation also includes 1.67 percent effective September 1, 1999, for three learning improvement days pursuant to section 503(7) of this act and the salary allocation schedule adjustments for beginning and senior certificated instructional staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living, learning improvement days for certificated instructional staff, and incremental fringe benefit allocations based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.60 per weighted pupil-mile for the 1999-00 school year and \$1.23 per weighted pupil-mile for the 2000-01 school year;

(ii) For education of highly capable students, an increase of \$14.04 per formula student for the 1999-00 school year and ~~((21.28))~~ \$21.09 per formula student for the 2000-01 school year; and

(iii) For transitional bilingual education, an increase of ~~((36.18))~~ \$36.19 per eligible bilingual student for the 1999-00 school year and ~~((54.99))~~ \$54.51 per eligible student for the 2000-01 school year; and

(iv) For learning assistance, an increase of ~~((13.98))~~ \$13.97 per entitlement unit for the 1999-00 school year and ~~((23.16))~~ \$23.04 per entitlement unit for the 2000-01 school year.

(c) The appropriations in this section include ~~((420,000))~~ \$417,000 for fiscal year 2000 and ~~((962,000))~~ \$1,214,000 for fiscal year 2001 for salary increase adjustments for substitute teachers.

(2) ~~((123,300,000))~~ \$123,816,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$335.75 per month for the 1999-00 and 2000-01 school years. The appropriations in this section provide for a rate increase to \$388.02 per month for the 1999-00 school year and ~~((423.57))~~ \$425.89 per month for the 2000-01 school year at the following rates:

(a) For pupil transportation, an increase of \$0.48 per weighted pupil-mile for the 1999-00 school year and ~~((0.80))~~ \$0.82 for the 2000-01 school year;

(b) For education of highly capable students, an increase of ~~((3.30))~~ \$3.32 per formula student for the 1999-00 school year and ~~((5.58))~~ \$5.72 for the 2000-01 school year;

(c) For transitional bilingual education, an increase of ~~((8.45))~~ \$8.46 per eligible bilingual student for the 1999-00 school year and ~~((14.22))~~ \$14.59 for the 2000-01 school year; and

(d) For learning assistance, an increase of \$6.65 per funded unit for the 1999-00 school year and ~~((11.17))~~ \$11.47 for the 2000-01 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 1999 c 309 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2000) \$

~~((179,802,000))~~

181,204,000

General Fund--State Appropriation (FY 2001) \$

~~((180,925,000))~~

181,061,000

TOTAL APPROPRIATION \$

((360,727,000))

362,265,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of ((~~\$1,475,000~~) \$1,473,000) may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$10,000 of the fiscal year 2000 appropriation and \$10,000 of the fiscal year 2001 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of ((~~\$34.99~~) \$34.96) per weighted mile in the 1999-00 school year and ((~~\$35.20~~) \$35.17) per weighted mile in the 2000-01 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

Sec. 506. 1999 c 309 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2000) \$	3,100,000
General Fund--State Appropriation (FY 2001) \$	3,100,000
General Fund--Federal Appropriation \$	((194,483,000))
	<u>227,204,000</u>
TOTAL APPROPRIATION \$	((200,683,000))
	<u>233,404,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the general fund--state appropriations are provided for state matching money for federal child nutrition programs.

(2) \$175,000 of the general fund--state appropriations are provided for summer food programs for children in low-income areas.

Sec. 507. 1999 c 309 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) \$	((392,036,000))
--	-----------------

General Fund--State Appropriation (FY 2001) \$	<u>387,011,000</u>
	((393,461,000))
General Fund--Federal Appropriation \$	<u>385,482,000</u>
	((148,159,000))
TOTAL APPROPRIATION \$	<u>171,667,000</u>
	((933,656,000))
	<u>944,160,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure, to the greatest extent possible, that special education students receive their appropriate share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education allocation funded in this section.

(2) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

~~((2))~~ (3) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

~~((3))~~ (4) For the 1999-00 and 2000-01 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection ~~((4)(c))~~ (5)(c) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

~~((4))~~ (5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" means the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1999-00 and the 2000-01 school years, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

~~((5))~~ (6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

~~((6))~~ (7) A maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2000 and a maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2001 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection ~~((3))~~ (4) of this section. Safety net funding shall be awarded by the state safety net oversight committee.

(a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(b) The committee shall then consider unusual needs of districts due to a special education population which differs significantly from the assumptions of the state funding formula. Awards shall be made to districts that convincingly demonstrate need due to the concentration and/or severity of disabilities in the district. Differences in program costs attributable to district philosophy or service delivery style are not a basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with Substitute Senate Bill No. 5626 (medicaid payments to schools).

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$100,000 per year of the amounts provided in this subsection to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

~~((7))~~ (8) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

~~((8))~~ (9) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

~~((9) A maximum of)~~ (10) To the extent necessary, \$5,500,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs of one or more individual special education students exceed \$5,500,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

~~((10))~~ (11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

~~((11))~~ (12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

~~((12))~~ (13) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

~~((13))~~ (14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

~~((14))~~ (15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

Sec. 508. 1999 c 309 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

((Public Safety and Education Account--State Appropriation \$	
	16,276,000))
<u>General Fund--State Appropriation (FY 2000) \$</u>	
	<u>7,738,000</u>
<u>General Fund--State Appropriation (FY 2001) \$</u>	
	<u>7,771,000</u>
<u>TOTAL APPROPRIATION \$</u>	
	<u>15,509,000</u>

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) The appropriations include~~((s))~~ such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$507,000 may be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1999-00 and 2000-01 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1999-00 and 2000-01 school years.

Sec. 509. 1999 c 309 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2000) \$	
	((4,547,000))
	<u>4,537,000</u>
General Fund--State Appropriation (FY 2001) \$	
	((4,547,000))
	<u>4,530,000</u>
<u>TOTAL APPROPRIATION \$</u>	
	<u>9,067,000</u>
	((9,094,000))

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$250,000 of the general fund appropriation for fiscal year 2000 and \$250,000 of the general fund appropriation for fiscal year 2001 are provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) A maximum of \$500,000 is provided for centers for the improvement of teaching pursuant to RCW 28A.415.010.

Sec. 510. 1999 c 309 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2000) \$	((98,315,000))
	<u>102,563,000</u>
General Fund--State Appropriation (FY 2001) \$	((107,973,000))
	<u>122,114,000</u>
TOTAL APPROPRIATION \$	((206,288,000))
	<u>224,677,000</u>

Sec. 511. 1999 c 309 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) \$	((20,201,000))
	<u>19,296,000</u>
General Fund--State Appropriation (FY 2001) \$	((21,542,000))
	<u>19,469,000</u>
General Fund--Federal Appropriation \$	8,548,000
TOTAL APPROPRIATION \$	((50,291,000))
	<u>47,313,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$92,000 of the general fund--state appropriation for fiscal year 2000 and \$143,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 512. 1999 c 309 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2000) \$	((6,226,000))
	<u>6,164,000</u>
General Fund--State Appropriation (FY 2001) \$	((6,220,000))
	<u>6,105,000</u>
TOTAL APPROPRIATION \$	((12,446,000))
	<u>12,269,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ((~~\$313.27~~)) \$312.19 per funded student for the 1999-00 school year and ((~~\$313.39~~)) \$310.43 per funded student for the 2000-01 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.
- (3) \$350,000 of the appropriation is for the centrum program at Fort Worden state park.
- (4) \$186,000 of the appropriation is for the ((~~odyssey of the mind~~)) Washington imagination network and future problem-solving programs.

Sec. 513. 1999 c 309 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT

General Fund--Federal Appropriation \$	((264,388,000))
	<u>285,193,000</u>

Sec. 514. 1999 c 309 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2000) \$	((35,144,000))
	<u>33,234,000</u>

General Fund--State Appropriation (FY 2001) \$	((34,355,000))
	<u>32,855,000</u>
Better Schools Fund--State Appropriation \$	<u>57,500,000</u>
TOTAL APPROPRIATION \$	((69,499,000))
	<u>123,589,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$143,000~~)) \$268,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$197,000~~)) \$322,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the commission established under PART I of Substitute Senate Bill No. 5418 or Second Substitute House Bill No. 1462. If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall be used for implementation of education reform and an accountability system by the office of the superintendent of public instruction.

(2) ((~~\$11,343,000~~)) \$9,307,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$10,414,000~~)) \$11,329,000 of the general fund--state appropriation for fiscal year 2001 are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) ((~~\$6,818,000~~)) \$3,373,000 of the general fund--state appropriation for fiscal year 2000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(5) \$4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(6) \$7,200,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning or its successor, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(9) ((~~\$1,598,000~~)) \$2,208,000 is provided solely for the leadership internship program for superintendents, principals, and program administrators.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to establish a mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance state-wide, the superintendent of public instruction, shall employ regional school improvement coordinators and mathematics school improvement specialists to provide assistance to schools and districts. The regional coordinators and specialists shall be hired by and work under the direction of a state-wide

school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement coordinators and specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(11) A maximum of \$1,000,000 of the general fund--state appropriation is provided to expand the number of summer accountability institutes offered by the superintendent of public instruction and the commission on student learning or its successor. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling but placing an emphasis on mathematics.

(12) \$8,000,000 of the general fund--state appropriation for fiscal year 2000 and \$8,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets one of the following conditions:

(i) The program is recommended either by the education commission of the states or the Northwest regional educational laboratory; or

(ii) The program is developed by schools or school districts and is approved by the office of the superintendent of public instruction based on the following criteria:

(A) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(B) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(C) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(D) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(E) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning, interim, and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from July 1, 1999, through August 31, 2001.

(13) ~~(((\$100,000))~~ \$120,000 of the general fund--state appropriation for fiscal year 2000 and ~~(((\$227,000))~~ \$272,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for ~~((a))~~ salary bonuses for teachers who attain certification by the national board for professional teaching standards.

~~((a))~~ During the 1999-00 school year, teachers who have attained certification by the national board will receive a one-time 15 percent salary bonus ~~((for teachers who have attained certification by the national board for professional teaching standards))~~. The bonus is provided in recognition of their outstanding performance. The bonuses shall be provided subject to the following conditions and limitations:

~~((a))~~ (i) For teachers achieving certification prior to September 1, 1999, the bonus shall begin on September 1, 1999.

~~((b))~~ (ii) Teachers enrolled in the program prior to September 1, 1999, achieving certification during the 1999-2000 school year shall be eligible for the bonus for the number of months during the school year that the individual has achieved certification.

~~((c))~~ The superintendent shall establish a competitive selection process for teachers desiring to enroll in the program after September 1, 1999, to become eligible for the national certification bonus. Funds are provided for a maximum of 45 bonuses for the 2000-2001 school year. The superintendent shall approve a limited number of the most qualified applicants for potential bonus eligibility to ensure that the number of bonuses does not exceed available funds. The Washington state professional standards board, if created by law, or an advisory committee established by the superintendent of public instruction in consultation with the state board of education if a professional standards board is not created, shall review the national board certification standards to determine whether additional requirements to the national standards are needed to align the national requirements with Washington state standards for teachers and students under education reform. ~~((b))~~ During the 2000-01 school year, teachers who have attained certification by the national board during the 2000-01 school year or in prior school years will receive an annual bonus of \$3,500. The annual bonus will be paid in a lump sum amount. The annual bonus provided under this subsection shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

~~((c))~~ It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than two bonus payments under this subsection.

(14) \$57,500,000 of the better schools fund--state appropriation is provided solely to implement House Bill No. 3171 (improving funding for education). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(15) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(16) \$35,000 of the general fund--state appropriation for fiscal year 2000 and \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

Sec. 515. 1999 c 309 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2000) \$	((35,136,000))
	<u>35,876,000</u>
General Fund--State Appropriation (FY 2001) \$	((36,608,000))
	<u>37,605,000</u>
TOTAL APPROPRIATION \$	((71,744,000))
	<u>73,481,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of ((~~\$648.50~~) \$646.06 per eligible bilingual student in the 1999-00 school year and \$641.64 in the 2000-01 school year((s)), exclusive of salary and benefit adjustments provided in section 503 of this act.

Sec. 516. 1999 c 309 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2000) \$	((71,205,000))
	<u>68,936,000</u>
General Fund--State Appropriation (FY 2001) \$	((75,045,000))
	<u>69,470,000</u>
TOTAL APPROPRIATION \$	((146,250,000))
	<u>138,406,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funding for school district learning assistance programs shall be allocated at maximum rates of ((~~\$382.95~~) \$382.08 per funded unit for the 1999-00 school year and ((~~\$383.76~~) \$381.90 per funded unit for the 2000-01 school year.

(3) A school district's funded units for the 1999-2000 and 2000-01 school years shall be the sum of the following:

(a) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

(b) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(c) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(d) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(4) School districts may carry over from one year to the next up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 517. 1999 c 309 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund--State Appropriation (FY 2000) \$	((33,095,000))
	<u>32,981,000</u>
General Fund--State Appropriation (FY 2001) \$	((27,265,000))
	<u>27,315,000</u>
TOTAL APPROPRIATION \$	((60,720,000))
	<u>60,296,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 1999-00 school year shall be at a maximum annual rate of \$28.81 per full-time equivalent student and \$28.81 per full-time equivalent student for the 2000-01 school year. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); ~~((and))~~ or

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

Sec. 518. 1999 c 309 s 519 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
 Education Savings Account--State Appropriation \$

((72,000,000))

78,612,000

The appropriation in this section is subject to the following conditions and limitations:
 ((36,000,000)) \$42,612,000 in fiscal year 2000 and \$36,000,000 in fiscal year 2001 are appropriated to the common school construction account.

NEW SECTION. **Sec. 519.** 1999 sp.s. c 10 s 1 (uncodified) is repealed.

**PART VI
 HIGHER EDUCATION**

Sec. 601. 1999 c 309 s 602 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

		1999-2000	2000-2001
		Annual	Annual
		Average	Average
University of Washington			
Main campus	31,927		((32,266))
			<u>32,228</u>
Bothell branch	993		((4,136))
			<u>1,087</u>
Tacoma branch	1,143		((4,316))
			<u>1,231</u>
Washington State University			
Main campus	17,272		((17,649))
			<u>17,480</u>
Spokane branch	472		

		((604))
		<u>558</u>
Tri-Cities branch	754	((754))
		<u>616</u>
Vancouver branch	1,021	((1,121))
		<u>1,083</u>
Central Washington University	7,670	((7,867))
		<u>7,767</u>
Eastern Washington University	7,739	((7,739))
		<u>7,760</u>
The Evergreen State College	3,638	((3,713))
		<u>3,709</u>
Western Washington University	10,648	((10,761))
		<u>10,717</u>
State Board for Community and Technical Colleges	120,529	((123,332))
		<u>123,362</u>
Higher Education Coordinating Board	50	550

Sec. 602. 1999 c 309 s 603 (uncodified) is amended to read as follows:
FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
General Fund--State Appropriation (FY 2000) \$

	((455,664,000))
	<u>456,322,000</u>
General Fund--State Appropriation (FY 2001) \$	((486,387,000))
	<u>492,604,000</u>
General Fund--Federal Appropriation \$	11,404,000
Employment and Training Trust Account--State Appropriation \$	((1,474,000))
	<u>888,000</u>
TOTAL APPROPRIATION \$	((954,929,000))

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2)(a) \$5,000,000 of the general fund--state appropriation for fiscal year 2000 and \$5,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase salaries and related benefits for part-time faculty. The state board for community and technical colleges shall allocate these funds to college districts based on the headcount of part-time faculty under contract for the 1998-99 academic year. To earn these funds, a college district must match the state funds with local revenue, the amounts for which shall be determined by the state board. State fund allocations that go unclaimed by a college district shall lapse. The board may provide salary increases to part-time faculty in a total amount not to exceed \$10,000,000 from tuition revenues. The board shall report to the office of financial management and legislative fiscal committees on the distribution of state funds, match requirements of each district, and the wage adjustments for part-time faculty by October 1 of each fiscal year.

(b) Each college district shall examine its current ratio of part-time to full-time faculty by discipline and report to the board a plan to reduce wage disparity and reliance on part-time faculty through salary improvements, conversion of positions to full-time status, and other remedies deemed appropriate given labor market conditions and educational programs offered in each community. The board shall set long-term performance targets for each district with respect to use of part-time faculty and monitor progress annually. The board shall report to the fiscal and higher education committees of the legislature on implementation of this subsection by no later than December 1, 1999, with recommendations for the ensuing biennium provided no later than December 1, 2000.

(3) \$1,155,000 of the general fund--state appropriation for fiscal year 2000 and \$2,345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) \$950,000 of the general fund--state appropriation for fiscal year 2000 and \$950,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to lower the part-time faculty retirement eligibility threshold to fifty percent of the full-time workload.

(5) \$332,000 of the general fund--state appropriation for fiscal year 2000 and \$3,153,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for Cascadia Community College start-up and enrollment costs.

(6) \$1,441,000 of the general fund--state appropriation for fiscal year 2000 and \$1,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(7) (~~(\$27,361,000)~~) \$27,775,000 of the general fund--state appropriation for fiscal year 2000, \$28,761,000 of the general fund--state appropriation for fiscal year 2001, and the entire employment and training trust account appropriation are provided solely as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) The state board for community and technical colleges shall submit a plan for allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$567,000 of the general fund--state appropriation for fiscal year 2000 and \$568,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for administration and customized training contracts through the job skills program.

(10) ~~(\$750,000)~~ \$1,950,000 of the general fund--state appropriation for fiscal year 2000 and ~~(\$750,000)~~ \$1,950,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to expand information technology ~~(and)~~, computer science programs, and other high demand programs intended to reduce the supply-demand gap of skilled technology workers. Successful grant applications from a college, partnerships of colleges, or partnerships of colleges and K-12 school districts must include a match of cash, in-kind, or donations equivalent to the grant amount. Grant applications shall receive priority that prepare students to meet industry standards, achieve industry skill certificates, or continue to upper division computer science or computer engineering studies. No college may receive more than \$300,000 from appropriations in this section. The state board for community and technical colleges shall report the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Pierce College branch at Puyallup.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) Funding in this section provides for the collection and reporting of Washington enrollment data, and related activities, for the distance learning information project described in section 129 of this act.

(14) \$1,000,000 of the general fund--state appropriation is provided solely for roof repairs at Columbia Basin Community College.

(15) \$1,500,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a student centered online delivery system to broaden access and increase use of college catalogs, schedules, and registration systems.

(16) \$31,000 of the general fund--state appropriation for fiscal year 2000 and \$635,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for maintenance and operations of facilities constructed with local funds, certificates of participation, and Cascadia College phase 2.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for assistance to students with disabilities.

(18) \$425,000 of the general fund--state appropriation is provided solely for allocation to Olympic college. Olympic college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses, concentrating on but not limited to business, education, and human relations, to Bremerton. Moneys may be used by Olympic college during either fiscal year to equip and support a state-owned or state-leased facility in Bremerton where contracted courses are delivered.

Sec. 603. 1999 c 309 s 604 (uncodified) is amended to read as follows:

FOR UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2000) \$

~~((316,592,000))~~

316,379,000

General Fund--State Appropriation (FY 2001) \$

~~((334,314,000))~~

334,709,000

Death Investigations Account--State Appropriation \$

~~((221,000))~~

145,000

Accident Account--State Appropriation \$	((5,773,000))
	<u>5,777,000</u>
Medical Aid Account--State Appropriation \$	((5,815,000))
	<u>5,818,000</u>
TOTAL APPROPRIATION \$	((662,715,000))
	<u>662,828,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,617,000 of the general fund--state appropriation for fiscal year 2000 and ~~((10,528,000))~~ \$10,057,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Bothell branch campus.

(2) ~~((10,147,000))~~ \$9,934,000 of the general fund--state appropriation for fiscal year 2000 and ~~((11,438,000))~~ \$10,755,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Tacoma branch campus.

(3) \$2,312,000 of the general fund--state appropriation for fiscal year 2000 and \$2,312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(4) \$1,975,000 of the general fund--state appropriation for fiscal year 2000 and \$1,975,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to extend the next-generation internet hub and related expertise.

(5) ~~((200,000))~~ \$90,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$136,000 of the general fund--state appropriation for fiscal year 2000 and \$137,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the dental education in care of persons with disabilities program.

(9) \$904,000 of the accident account and medical aid account appropriations is provided ~~((solely for))~~ to establish a bio-contaminant laboratory and consultation service, create a demonstration project, and enhance laboratory and computing equipment in the department of environmental health.

(10) ~~((For the 1999-01 biennium, five percent of tuition and fee revenue collected from law students may be used when privately matched dollar for dollar to provide public interest law scholarships to enrolled students at the university.~~

~~(11))~~ \$958,000 of the general fund--state appropriation for fiscal year 2000 and \$958,000 of the general fund--state appropriation for fiscal year 2001 are provided for the mathematics, engineering, science achievement (MESA) program.

~~((12))~~ (11) \$1,250,000 of the general fund--state appropriation for fiscal year 2000 and \$1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

(12) \$450,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to enhance university expenditures for graduate student appointee health insurance. For fiscal year 2001, the university shall provide the remainder of funding necessary to maintain the benefits and terms of health insurance in effect for graduate student appointees as of the effective date of this section.

(13) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to provide internet connectivity.

Sec. 604. 1999 c 309 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2000) \$

~~((183,551,000))~~

184,951,000

General Fund--State Appropriation (FY 2001) \$

~~((197,015,000))~~

198,491,000

Air Pollution Control Account--State Appropriation \$

~~((198,000))~~

49,000

TOTAL APPROPRIATION \$

~~((380,764,000))~~

383,491,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,702,000 of the general fund--state appropriation for fiscal year 2000 and ~~((7,980,000))~~ \$7,575,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Spokane branch campus.

(2) \$5,134,000 of the general fund--state appropriation for fiscal year 2000 and \$5,325,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Tri-Cities branch campus.

(3) \$8,537,000 of the general fund--state appropriation for fiscal year 2000 and ~~((10,164,000))~~ \$9,785,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Vancouver branch campus.

(4) \$1,438,000 of the general fund--state appropriation for fiscal year 2000 and \$1,438,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(5) \$565,000 of the general fund--state appropriation in fiscal year 2000 and \$340,000 of the general fund--state appropriation in fiscal year 2001 are provided for learning centers in Skagit, Walla Walla, and Grays Harbor counties.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$3,750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the safe food initiative.

Of these amounts, \$500,000 each fiscal year is provided solely for the commission on pesticide registration.

(7) \$44,000 of the general fund--state appropriation for fiscal year 2000 and \$44,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research efforts to develop suitable and economical alternatives to field burning of grass seed harvest residue.

(8) \$165,000 of the general fund--state appropriation for fiscal year 2000 and \$166,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(9) \$750,000 of the general fund--state appropriation for fiscal year 2000 and \$750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

(10) \$1,900,000 of the general fund--state appropriation for fiscal year 2000 and \$1,700,000 of the general fund--state appropriation for fiscal year 2001 are provided to install a steam boiler at the Pullman campus. Funds provided in this subsection may be used to conduct an energy audit of the campus-wide heating system to assess its viability and the need for modern upgrades.

(11) \$450,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a portion of the costs of implementing a health science initiative by the university to enhance economic development in Spokane and eastern Washington. It is the intent of the legislature that funding for this initiative in future years be provided through nonstate grants awarded to the university. The funding for fiscal year 2001 is contingent on:

(a) The university adding to current research staff through employment of a lead researcher for its cancer research and prevention center operations in Spokane; and

(b) A commitment of the university to establish programs in Spokane that are currently conducted on the main university campus. The commitment is for increased allocation of main campus resources for this purpose starting in fiscal year 2001 through fiscal year 2003. The programs shall include, at a minimum, research activities by:

(i) The college of pharmacy;

(ii) The program in reproductive biology; and

(iii) The college of nursing cancer research programs.

The funding committed for these three programs shall be a minimum of \$875,000 from all sources of funds by the end of fiscal year 2001. The commitment shall be made to the satisfaction of the office of financial management, which shall then release funds appropriated for the Spokane activities.

Sec. 605. 1999 c 309 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2000) \$

41,620,000

General Fund--State Appropriation (FY 2001) \$

((43,345,000))

43,537,000

TOTAL APPROPRIATION \$

((84,965,000))

85,157,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$375,000 of the general fund--state appropriation for fiscal year 2000 and \$375,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required

by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided for additional enrollments at the university.

Sec. 606. 1999 c 309 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2000) \$

((41,898,000))

42,060,000

General Fund--State Appropriation (FY 2001) \$

((44,465,000))

44,249,000

TOTAL APPROPRIATION \$

((86,363,000))

86,309,000

The appropriations in this section are subject to the following conditions and limitations: \$312,000 of the general fund--state appropriation for fiscal year 2000 and \$312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment, retention, and equity salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

Sec. 607. 1999 c 309 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2000) \$

((22,359,000))

22,325,000

General Fund--State Appropriation (FY 2001) \$

((24,233,000))

24,514,000

TOTAL APPROPRIATION \$

((46,592,000))

46,839,000

The appropriations in this section are subject to the following conditions and limitations: (1) \$188,000 of the general fund--state appropriation for fiscal year 2000 and \$188,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required

by this section to further provide recruitment and retention salary adjustments. The college shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) ~~(\$101,000)~~ \$41,000 of the general fund--state appropriation for fiscal year 2000 and \$102,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the institute for public policy to complete studies of services described in subsection 202(1) of this act. If that subsection is not enacted, the amounts provided in this subsection shall lapse.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the institute for public policy to facilitate a work group pursuant to Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills are enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$50,000 of the state general fund appropriation for fiscal year 2001 is provided solely for the Washington state institute for public policy to conduct a study that develops recommendations as to how the health services purchasing power of the state can be used to support cities and counties in their efforts to control medical services expenditures for inmates of jails and juvenile detention facilities. In developing the recommendations, the institute must consult with at least the following entities: The department of corrections; the department of social and health services; the Washington state health care authority; the department of health; the Washington association of sheriffs and police chiefs; the association of cities; and the Washington association of counties.

(5) \$26,000 of the general fund--state appropriation for fiscal year 2000 and \$199,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the institute for public policy to conduct a study of current issues in the state's child welfare system. The study shall: (a) Review and summarize existing research that identifies problems and barriers to improved educational attainment of children in long-term foster care, and suggest ways to improve the availability of information about the educational experiences of these children; (b) compare placement decisions and funding methodologies for residential care services for children in Washington to best practices in other states and in the research literature, using a sample of children from different types of residential care settings; and (c) examine adoption support program criteria, service level decisions, and funding methodologies, using a sample of children receiving different levels of support. The office of the administrator for the courts, the department of social and health services, the superintendent of public instruction, and all other state and local governments shall provide access to any data necessary for the completion of this study. The institute shall provide a report with findings by December 15, 2000.

Sec. 608. 1999 c 309 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2000) \$	53,293,000
General Fund--State Appropriation (FY 2001) \$	((56,272,000))
	<u>56,300,000</u>
TOTAL APPROPRIATION \$	((109,565,000))
	<u>109,593,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$375,000 of the general fund--state appropriation for fiscal year 2000 and \$375,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a

report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

Sec. 609. 1999 c 309 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2000) \$

~~((4,458,000))~~

4,408,000

General Fund--State Appropriation (FY 2001) \$

~~((8,027,000))~~

7,653,000

General Fund--Federal Appropriation \$

653,000

TOTAL APPROPRIATION \$

~~((13,138,000))~~

12,714,000

The appropriations in this section are provided to carry out the accountability, performance measurement, policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) The board shall review, recommend changes if necessary, and approve plans defined in section 601(6) of this act for achieving measurable and specific improvements in academic years 1999-00 and 2000-01.

(2) \$280,000 of the general fund--state appropriation for fiscal year 2000 and \$280,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.585 (rural natural resources impact areas). The number of students served shall be 50 full-time equivalent students per fiscal year. The board shall ensure that enrollments reported under this subsection meet the criteria outlined in RCW 28B.80.570 through 28B.80.585.

(3) ~~((100,000))~~ \$50,000 of the general fund--state appropriation for fiscal year 2000 and ~~((4,650,000))~~ \$4,276,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to contract for 500 full-time equivalent undergraduate students in high-demand fields and programs as evidenced by limited current access, despite graduates who are highly sought after by employers of this state. The board shall consult with the office of financial management and the legislative fiscal and higher education committees to design and implement a bidding process to solicit proposals from public institutions to deliver these student enrollments. Participating institutions shall cooperate with the board to collect the data necessary to report to the governor and the legislature on the impact of this subsection, particularly the degree of improved access to high-demand fields and programs for students and successful job placements for graduates.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitive grants to public baccalaureate institutions to expand information technology programs. Successful grant applications to fund faculty, staff, or equipment for computer science, computer engineering, or related disciplines must include a match of nonstate cash or donations equivalent to the grant amount. No institution may receive more than \$1,000,000 from appropriations in this section. The board shall report on the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(5) \$600,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the higher education coordinating board fund for innovation and quality under RCW 28B.120.040. If

Substitute House Bill No. 1013 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2000 and \$150,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Second Substitute House Bill No. 1729 (teacher training pilot program). If Second Substitute House Bill No. 1729 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(7) With funding provided in this section, the higher education coordinating board, in cooperation with the office of financial management and the state board for community and technical colleges, shall study the feasibility of collecting Washington enrollment data on distance learning programs sponsored by private institutions in Washington as well as by institutions outside the state of Washington, and it shall report findings to the legislature by January, 2000.

(8) \$432,000 of the general fund--state appropriation for fiscal year 2000 and \$68,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

Sec. 610. 1999 c 309 s 611 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2000) \$	((106,945,000))
	<u>107,743,000</u>
General Fund--State Appropriation (FY 2001) \$	((117,807,000))
	<u>119,249,000</u>
General Fund--Federal Appropriation \$	2,422,000
Advanced College Tuition Payment Program Account--State Appropriation \$	3,408,000
TOTAL APPROPRIATION \$	((230,582,000))
	<u>232,822,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$534,000 of the general fund--state appropriation for fiscal year 2000 and \$529,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the displaced homemakers program.

(2) \$220,000 of the general fund--state appropriation for fiscal year 2000 and \$225,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the western interstate commission for higher education.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement an aid program for the benefit of elementary and secondary public school teachers who do not now hold a masters of education degree. Within available funds and until these funds are exhausted, the board may repay all or a portion of the educational expenses incurred by a teacher, or teacher candidate, for one year of masters' level studies at an accredited Washington college or university. Payment is conditioned upon the applicant's successful matriculation and resumption, or assumption, of classroom teaching duties in a public elementary or secondary school in this state. Among the potential applicants for this program, the board shall give priority to those individuals who returned to the classroom with a math or science teaching credential. The board may adopt rules as necessary to implement this program.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(6) (~~(\$103,686,000)~~) \$104,354,000 of the general fund--state appropriation for fiscal year 2000 and (~~(\$114,700,000)~~) \$116,272,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for student financial aid, including all administrative costs. Of these amounts:

(a) \$80,240,000 of the general fund--state appropriation for fiscal year 2000 and \$87,696,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program;

(b) \$15,350,000 of the general fund--state appropriation for fiscal year 2000 and \$15,350,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program;

(c) \$2,920,000 of the general fund--state appropriation for fiscal year 2000 and \$2,920,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for educational opportunity grants. The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. For the purpose of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington;

(d) A maximum of 2.1 percent of the general fund--state appropriation for fiscal year 2000 and 2.1 percent of the general fund--state appropriation for fiscal year 2001 may be expended for financial aid administration, excluding the 4 percent state work study program administrative allowance provision;

(e) \$230,000 of the general fund--state appropriation for fiscal year 2000 and \$201,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the educator's excellence awards. Any educator's excellence moneys not awarded by April 1st of each year may be transferred by the board to either the Washington scholars program or to the Washington award for vocational excellence;

(f)(i) \$1,361,000 of the general fund--state appropriation for fiscal year 2000 and \$1,548,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or to the Washington award for vocational excellence;

(ii) Of the amounts in (f)(i) of this subsection, \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$207,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Second Substitute House Bill No. 1661 (Washington scholars program). If Second Substitute House Bill No. 1661 is not enacted prior to June 30, 1999, then the amounts provided in this subsection (6)(f)(ii) shall lapse;

(g) \$534,000 of the general fund--state appropriation for fiscal year 2000 and \$534,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or the Washington scholars program;

(h) (~~(\$251,000)~~) \$121,000 of the general fund--state appropriation for fiscal year 2000 and (~~(\$251,000)~~) \$381,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. No organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation; and

(i) (~~(\$2,800,000)~~) \$3,598,000 of the general fund--state appropriation for fiscal year 2000 and (~~(\$6,200,000)~~) \$7,642,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to establish the Washington promise scholarship program subject to the following conditions and limitations:

(i) Within available funds, the higher education coordinating board shall award scholarships for use at accredited institutions of higher education in the state of Washington to as many students as possible from among those qualifying under (iv) and (v) of this subsection. Each qualifying student will receive two consecutive annual installments, the value of each not to exceed the full-time annual resident tuition rates charged by community colleges.

(ii) Of the amounts provided, no more than \$250,000 each year is for administration of the Washington promise scholarship program.

(iii) The Washington's promise scholarship account is created in the custody of the state treasurer. The account shall be a discrete nonappropriated account. Other than funds provided for program administration, the higher education coordinating board shall deposit in this account all money received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for these scholarships, private contributions, and receipts from refunds of tuition and fees.

(iv) Seniors in the top ten percent of their individual Washington state high school class in 1999 and whose family income does not exceed one hundred and thirty-five percent of the state's median family income, adjusted for family size qualify for a scholarship in fiscal year 2000.

(v) Seniors in the top fifteen percent of their individual Washington state high school class in 2000 and whose family income does not exceed one hundred thirty-five percent of the state's median family income, adjusted for family size qualify for a scholarship in fiscal year 2001.

(vi) For students eligible under subsections (iv) and (v) of this subsection, the superintendent of public instruction shall provide the higher education coordinating board with the names, addresses, and unique numeric identifiers of students in the top ten percent, or top fifteen percent, as appropriate in each of the respective high school senior classes in Washington state. This shall be provided no later than August 1 of each year.

(vii) Scholarships awarded under this section may only be used at accredited institutions of higher education in the state of Washington for college-related expenses, including but not limited to, tuition, room and board, books, materials, and transportation. The Washington promise scholarship award shall not supplant other scholarship awards, financial aid, or tax programs related to postsecondary education. Scholarships may not be transferred or refunded to students.

(viii) The higher education coordinating board shall evaluate the impact and effectiveness of the Washington promise scholarship program. The evaluation shall include, but not be limited to: (A) An analysis of other financial assistance promise scholarship recipients are receiving through other federal, state, and institutional programs, including grants, work study, tuition waivers, tax credits, and loan programs; (B) an analysis of whether the implementation of the promise scholarship program has had an impact on student indebtedness; and (C) an evaluation of what types of students are successfully completing high school but do not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient. The board shall report its findings to the governor and the legislature by November 1, 2001.

(ix) The higher education coordinating board may adopt rules as necessary to implement this program.

Sec. 611. 1999 c 309 s 612 (uncodified) is amended to read as follows:
FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD
General Fund--State Appropriation (FY 2000) \$

General Fund--State Appropriation (FY 2001) \$	1,124,000
	((1,123,000))
General Fund--Federal Appropriation \$	<u>1,723,000</u>
	34,408,000
TOTAL APPROPRIATION \$	((36,655,000))
	<u>37,255,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$600,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for grants to local work force development councils that will help close the skills gap facing Washington business. The grants shall be used to:

- (1) Create partnerships with businesses, labor organizations, and industry associations that share common occupations for the purpose of determining their future employment and training needs;
- (2) Bring together community colleges and other employment and training providers to develop the programs that meet the employment and training needs defined by the above industry partnerships;
- (3) Expand the use of skills standards, and customized training designed to meet the specific needs of business; and
- (4) Support increased use of on-the-job learning strategies among small and medium-sized enterprises.

The board shall provide a preliminary report of the results of at least three partnerships by December 1, 2000, and shall present the report to the appropriate committees of the legislature. The preliminary report shall describe the progress of the partnerships toward meeting the skills gap. The work of all of the partnerships shall be completed by June 30, 2001, and a final report shall be provided to the appropriate committees of the legislature. The final report shall describe the customized training that the board, industries, and the community colleges will use to meet the skills gap. Expenditure of the amounts provided in this section is contingent upon receiving a 50 percent in-kind or cash nonstate match.

Sec. 612. 1999 c 309 s 613 (uncodified) is amended to read as follows:
FOR WASHINGTON STATE LIBRARY
 General Fund--State Appropriation (FY 2000) \$

	((8,400,000))
	<u>8,419,000</u>
General Fund--State Appropriation (FY 2001) \$	((8,198,000))
	<u>8,299,000</u>
General Fund--Federal Appropriation \$	8,859,000
TOTAL APPROPRIATION \$	((25,457,000))
	<u>25,577,000</u>

The appropriations in this section are subject to the following conditions and limitations: At least \$2,763,219 shall be expended for a contract with the Seattle public library for library services for the Washington book and braille library.

Sec. 613. 1999 c 309 s 614 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE ARTS COMMISSION
 General Fund--State Appropriation (FY 2000) \$

	2,314,000
General Fund--State Appropriation (FY 2001) \$	2,562,000
General Fund--Federal Appropriation \$	((1,000,000))
	<u>1,020,000</u>
<u>General Fund--Private/Local Appropriation \$</u>	<u>25,000</u>
TOTAL APPROPRIATION \$	((5,876,000))
	<u>5,921,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 from the fiscal year 2000 general fund--state appropriation is provided solely for the arts in education program, arts organization funding, and for new arts funding for underserved communities. During fiscal year 2000, the agency shall prepare a strategic plan. The plan shall be submitted to the governor and appropriate committees of the legislature by July 1, 2000.

(2) \$500,000 from the fiscal year 2001 general fund--state appropriation is contingent upon the completion of the strategic plan required in subsection (1) of this section. If the strategic plan is not completed by July 1, 2000, the amount provided in this subsection shall lapse.

Sec. 614. 1999 c 309 s 615 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE HISTORICAL SOCIETY
 General Fund--State Appropriation (FY 2000) \$

	((2,646,000))
	<u>2,656,000</u>
General Fund--State Appropriation (FY 2001) \$	((2,661,000))
	<u>2,996,000</u>
TOTAL APPROPRIATION \$	((5,307,000))
	<u>5,652,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities related to the Lewis and Clark Bicentennial.

(2) \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$25,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the purchase and replacement costs of historic elm trees along Des Moines memorial drive. These funds shall be allocated to the Highline historical society.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Columbia gorge interpretive center for the continued provision of interpretive services to the public. These funds shall be allocated to the Skamania historical society.

(4) \$10,000 of the general fund--state appropriation for fiscal year 2000 and \$135,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for operation of the history lab project.

Sec. 615. 1999 c 309 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2000) \$	((3,986,000))
	<u>4,040,000</u>
General Fund--State Appropriation (FY 2001) \$	((4,006,000))
	<u>4,169,000</u>
General Fund--Private/Local Appropriation \$	644,000
TOTAL APPROPRIATION \$	((8,636,000))
	<u>8,853,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$104,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Substitute Senate Bill No. 6361 (child abuse and neglect). If the bill is not enacted by June 30, 2000, this amount shall lapse.

Sec. 616. 1999 c 309 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2000) \$	((6,704,000))
	<u>6,768,000</u>
General Fund--State Appropriation (FY 2001) \$	((6,686,000))
	<u>6,931,000</u>
TOTAL APPROPRIATION \$	((13,390,000))
	<u>13,699,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$176,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Substitute Senate Bill No. 6361 (child abuse and neglect). If the bill is not enacted by June 30, 2000, this amount shall lapse.

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 1999 c 309 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2000) \$

	((604,672,000))
	<u>613,172,000</u>
General Fund--State Appropriation (FY 2001) \$	((455,689,000))
	<u>456,908,000</u>
State Building Construction Account--State Appropriation \$	((4,168,000))
	<u>6,797,000</u>
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation \$	((2,574,000))
	<u>2,565,000</u>
TOTAL APPROPRIATION \$	((1,067,103,000))
	<u>1,079,442,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2000 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2000.

Sec. 702. 1999 c 309 s 702 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--State Appropriation \$	((32,575,000))
	<u>32,724,000</u>
Accident Account--State Appropriation \$	5,080,000
Medical Aid Account--State Appropriation \$	5,080,000
TOTAL APPROPRIATION \$	((42,735,000))
	<u>42,884,000</u>

Sec. 703. 1999 c 309 s 703 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2000) \$	((23,806,000))
	<u>23,678,000</u>
General Fund--State Appropriation (FY 2001) \$	((23,445,000))
	<u>23,283,000</u>

Higher Education Construction Account--State Appropriation \$	((118,000))
	<u>695,000</u>
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation \$	((106,498,000))
	<u>119,977,000</u>
Stadium and Exhibition Center Construction--State Appropriation \$	((1,250,000))
	<u>1,970,000</u>
TOTAL APPROPRIATION \$	((155,117,000))
	<u>169,603,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 704. 1999 c 309 s 705 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2000) \$	567,000
General Fund--State Appropriation (FY 2001) \$	568,000
Higher Education Construction Account--State Appropriation \$	((30,000))
	<u>83,000</u>
State Building Construction Account--State Appropriation \$	1,237,000
Public Safety Reimbursable Bond Account--State Appropriation \$	((3,000))
	<u>0</u>
Stadium/Exhibition Center Construction Account--State Appropriation \$	250,000
TOTAL APPROPRIATION \$	((2,655,000))
	<u>2,705,000</u>

Total Bond Retirement and Interest Appropriations contained in sections 701 through ((705)) 704 of this act and section 704, chapter 309, Laws of 1999 \$	((1,268,839,000))
	<u>1,295,863,000</u>

Sec. 705. 1999 c 309 s 710 (uncodified) is amended to read as follows:

FOR THE EDUCATION TECHNOLOGY REVOLVING ACCOUNT. The sum of ~~((8,200,000))~~ \$6,400,000 from the general fund and \$6,600,000 from the K-20 technology account are appropriated for fiscal year 2000 to the education technology revolving account.

Sec. 706. 1999 c 309 s 711 (uncodified) is amended to read as follows:
FOR THE AGRICULTURAL COLLEGE TRUST MANAGEMENT ACCOUNT
Resource Management Cost Account Appropriation \$

~~((2,632,000))~~

2,753,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be deposited in the agricultural college trust management account.

NEW SECTION. **Sec. 707.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Distribution of Excess Funds from the Forest Development Account

For distribution of state forest land revenues to taxing authorities that received such revenue from calendar year 1995 through calendar year 1999.

(1) Within fifteen days of the effective date of this section, the department shall transmit funds in the amounts specified in subsection (3) of this section to the county treasurers of the counties receiving the funds.

(2) The county treasurer of the counties listed in this section shall distribute funds received from this appropriation to taxing authorities in proportion to the state forest transfer land funds distributed to the taxing authorities based on information available for the calendar years 1995 through 1999. Funds to be credited to the state of Washington and funds credited to school district general levies shall be remitted to the state of Washington within thirty days after the effective date of this section for deposit into the salmon recovery account.

(3) Funds shall be distributed in the following amounts:

Clallam \$	440,681
Clark \$	168,073
Cowlitz \$	103,436
Grays Harbor \$	97,518
Jefferson \$	59,237
King \$	61,088
Kitsap \$	43,518
Klickitat \$	13,947
Lewis \$	439,730
Mason \$	58,881
Pacific \$	107,275
Pierce \$	37,379
Skagit \$	346,806

Skamania \$	56,895
Snohomish \$	360,148
Stevens \$	1,114
Thurston \$	256,664
Wahkiakum \$	109,960
Whatcom \$	237,653

TOTAL \$	3,000,000

Appropriation:

Forest Development Account--State \$	3,000,000
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NEW SECTION. **Sec. 708.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Shoreline Block Grants

The appropriation in this section is subject to the following conditions and limitations:
\$1,500,000 of the salmon recovery account--state appropriation is provided solely for a pilot program in Skagit county to implement an agricultural riparian buffer plan. Skagit county shall report back to the local government committees and the appropriate policy and fiscal committees of the legislature by June 30, 2001 regarding the outcomes of the pilot program.

Appropriation:

Salmon Recovery Account--State \$	1,500,000
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Sec. 709. 1999 c 309 s 713 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--YEAR 2000 ALLOCATIONS

General Fund--State Appropriation (FY 2000) \$	((5,000,000))
	<u>3,445,000</u>
General Fund--Federal Appropriation \$	462,000
Hospital Commission Account--State Appropriation \$	19,000
Health Professions Account--State Appropriation \$	182,000
Certified Public Accountants' Account--State Appropriation \$	5,000
Safe Drinking Water Account--State Appropriation \$	96,000
Water Quality Permit Account--State Appropriation \$	258,000

State Health Care Authority Administrative Account--State Appropriation \$	1,456,000
Year 2000 Contingency Revolving Account--State Appropriation \$	10,000,000
Accident Account--State Appropriation \$	150,000
Medical Aid Account--State Appropriation \$	150,000
TOTAL APPROPRIATION \$	((17,778,000))
	<u>16,223,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations will be allocated by the office of financial management to agencies to resolve year 2000 issues. Agencies shall submit their estimated costs to resolve year 2000 issues to the office of financial management.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the year 2000 contingency revolving account, in accordance with schedules provided by the office of financial management.

Sec. 710. 1999 c 309 s 714 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--EXTRAORDINARY CRIMINAL JUSTICE COSTS.

~~((1,200,000))~~ \$510,000 of the public safety and education account, or so much thereof as may be necessary, is appropriated solely for providing financial assistance in the 1999-01 biennium to Okanogan county for extraordinary criminal justice costs incurred in the adjudication of an aggravated homicide case. The office of financial management, in consultation with Okanogan county, shall determine the amount to be paid based on an assessment of the portion of the costs associated with the homicide case which is disproportionate relative to the county's criminal justice resources. The amount paid under this section shall not exceed eighty percent of the total costs associated with the investigation, prosecution, indigent defense, jury impanelment, expert witness, interpreters, incarceration, and other adjudication costs of the case. On January 1, 2000, any unexpended funds of the amount appropriated in this section shall lapse and revert to the public safety and education account.

NEW SECTION. **Sec. 711.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--ELECTRONIC COMMERCE POOL

Data Processing Revolving Account Appropriation \$	4,000,000
Master Licensing Account Appropriation \$	1,000,000
Electronic Commerce Revolving Account \$	5,000,000
TOTAL APPROPRIATION \$	10,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations will be allocated by the office of financial management to agencies to address electronic commerce activities.

(2) The data processing revolving account appropriation and the electronic commerce revolving account appropriation are provided solely for electronic commerce activities. The office of financial

management, in consultation with the department of information services, shall allocate these funds as needed for electronic commerce projects.

(3) The master licensing account appropriation is provided solely to support systems to enable businesses to file their master business licenses electronically and to enable corporations and companies to file reports electronically as provided in Engrossed House Bill No. 3144.

(4) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the electronic commerce revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management for additional electronic commerce projects.

(5) Agencies receiving these allocations shall report at a minimum to the information services board and to the office of financial management on the progress of electronic commerce projects and efforts.

NEW SECTION. Sec. 712. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--LEGAL COSTS

General Fund--State Appropriation (FY 2000) \$

3,489,000

Salary and Insurance Increase Revolving Account Appropriation \$

688,000

TOTAL APPROPRIATION \$

4,177,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,464,000 of the general fund--state appropriation and the salary and insurance increase revolving account appropriation are provided to the department of personnel solely for costs associated with the settlement of the *Warner v. State of Washington* litigation.

(2) \$25,000 of the general fund--state appropriation is provided to the citizens' commission on salaries for elected officials solely for legal costs associated with the settlement in *CLEAN v. Citizens' Commission on Salaries for Elected Officials*.

NEW SECTION. Sec. 713. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--BECCA SETTLEMENT. The sum of four million seven hundred thousand dollars is appropriated from the general fund--state for fiscal year 2000 to the office of financial management solely for implementing the settlement agreement in the "Becca Bill" litigation (Thurston County Superior Court Cause No. 98-2-02458). Expenditure of the amount in this section is contingent upon the execution of a release of claims as provided in the settlement agreement.

NEW SECTION. Sec. 714. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

(a) Douglas Jones, claim number SCJ 99-05

\$ 9,420

(b) Tyler Davis, claim number SCJ 99-07

\$ 4,933

(c) Joel Maza, claim number SCJ 99-08

\$ 4,236

(d) Thomas Vigil, claim number SCJ 99-09	\$ 8,070
(e) Wayne Tweed, claim number SCJ 99-10	\$ 5,588
(f) William Rhodes, claim number SCJ 99-11	\$ 5,000
(g) Lew Roberts, claim number SCJ 99-12	\$ 5,091
(h) Thomas Cheetham, claim number SCJ 99-13	\$ 7,648
(i) Adonta Goldsby, claim number SCJ 99-14	\$ 7,860
(j) Lorenzo Macklin, claim number SCJ 99-16	\$ 32,785
(k) Valeriano Rueda, claim number SCJ 99-17	\$ 1,211
(l) Duane Dunlap, claim number SCJ 00-01	\$ 19,646
(m) Nathan Borge, claim number SCJ 00-02	\$ 4,864
(n) George D. Easton Jr., claim number SCJ 00-03	\$ 5,837
(o) James Shank, claim number SCJ 00-04	\$ 9,977
(p) Jacob Sloboda, claim number SCJ 00-05	\$ 12,856
(q) Shawn G. Nickel, claim number SCJ 00-06	\$ 4,214
(r) Anthony Montel Davis, claim number SCJ 00-07	\$ 10,513
(s) Gregory Owen Thornton, claim number SCJ 00-08	\$ 41,989

NEW SECTION. **Sec. 715.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--STAFF AND EFFICIENCY SAVINGS. The office of financial management shall reduce the appropriations for agencies of the state by \$1,313,000 from general fund--state fiscal year 2000 appropriations, \$6,805,000 from general fund--state fiscal year 2001 appropriations, and \$9,923,000 from a combination of reductions to appropriated and nonappropriated accounts. The specific reductions shall be determined by the office of financial management, and shall include, but not be limited to, savings from staff vacancies and reductions to allotments for personal service contracts, travel, and equipment. These reductions shall exclude the state parks and recreation commission, institutions of higher education, the department of corrections, and agencies with fewer than 100 FTEs.

Sec. 716. 1999 c 309 s 718 (uncodified) is amended to read as follows:

For the period from July 1, 1999, through June 30, 2001, a one hundred fifty thousand dollar death benefit shall be paid as a sundry claim to ~~((a teacher's))~~ the estate ((if the teacher)) of an employee in the common school system of the state who is killed in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the director of the department of general administration ~~((if a teacher's estate is determined to be eligible for payment under this section))~~ by order under RCW 51.52.050.

Sec. 717. 1999 c 309 s 719 (uncodified) is amended to read as follows:
FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS
 General Fund--State Appropriation (FY 2000) \$

	10,401,000
General Fund--State Appropriation (FY 2001) \$	((26,095,000))
	<u>28,834,000</u>
General Fund--Federal Appropriation \$	((12,987,000))
	<u>13,920,000</u>
General Fund--Private/Local Appropriation \$	((747,000))
	<u>797,000</u>
Salary and Insurance Increase Revolving Account Appropriation \$	((25,941,000))
	<u>27,900,000</u>
TOTAL APPROPRIATION \$	((75,166,000))
	<u>81,852,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed ~~((375.50))~~ \$388.02 per eligible employee for fiscal year 2000, and ~~((410.53))~~ \$425.64 for fiscal year 2001. The fiscal year 2001 funding rate includes \$0.02 per eligible employee for the benefit expansion in subsection (3) of this section, \$0.23 for increased assessments resulting from implementation of individual insurance market reform legislation (Substitute Senate Bill No. 6067), and \$1.82 for increased managed care trends.

~~(b) ((The monthly employer funding rate for the operating costs of the health care authority shall not exceed \$12.52 per eligible employee for fiscal year 2000, and \$13.04 for fiscal year 2001.~~

~~(c))~~ (s)) An additional \$2.42 per eligible employee shall be included in the employer funding rate for fiscal year ~~((s))~~ 2000 and an additional \$7.23 for fiscal year 2001 to repay the public employees' and retirees' insurance account for any claims paid as a result of a court-approved stipulated settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1).

~~((d))~~ (c) An additional \$0.71 per eligible employee shall be included in the employer funding rate for fiscal year 2000, and an additional \$1.47 per eligible employee shall be included in the employer funding rate for fiscal year 2001, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

~~((e))~~ (d) An additional \$1.82 per eligible employee shall be included in the employer funding rate for fiscal year 2001 for uniform medical plan claims expenditures and reserves.

(e) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without prior legislative authorization.

(f) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium copayments, increase point-of-service cost sharing, and/or implement managed competition.

(g) The health care authority shall use funds accruing to the public employees' and retirees' insurance account in fiscal year 1999 from payments made by the standard insurance company to the state of Washington related to the state's basic long-term disability plan, for insurance costs in the 1999-2001 biennium.

(h) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) Health plans available through the public employees' benefits board shall include coverage for all methods of prescription contraceptive drugs and devices approved by the federal food and drug administration, subject to the same copays as other prescription drugs.

(4) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2000 through December 31, 2000, the subsidy shall be \$62.48. Starting January 1, 2001, the subsidy shall be \$69.98 per month.

~~((4))~~ (5) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$22.03 per month beginning September 1, 1999, and \$25.06 beginning September 1, 2000;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$22.03 each month beginning September 1, 1999, and \$25.06 beginning September 1, 2000, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

~~((5))~~ (6) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1999-01 transportation appropriations act.

~~((6))~~ (7) The allocations to agencies and institutions under this section reflect a reduction of \$3,982,000 general fund--state for fiscal year 2000, an increase of \$458,000 general fund--state for fiscal year 2001, and reductions of \$1,330,000 general fund--federal, \$74,000 general fund--local, and \$3,342,000 salary and insurance increase revolving account, to reflect savings resulting from the implementation of employer pension rate reductions on July 1, 1999.

Sec. 718. 1999 c 309 s 720 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 1999, consistent with chapter 41.45 RCW as amended by this act, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2000) \$	((16,320,000))
	<u>16,082,000</u>
General Fund--State Appropriation (FY 2001) \$	((18,050,000))
	<u>20,130,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations include \$3,564,000 general fund--state for fiscal year 2001 to pay the increased retirement contributions resulting from enactment of Engrossed Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(b) The appropriations include reductions of \$238,000 general fund--state for fiscal year 2000 and \$1,484,000 general fund--state for fiscal year 2001, to reflect savings resulting from the implementation of new employer pension contribution rates based on the 1998 combined actuarial valuation conducted by the office of the state actuary effective May 1, 2000, as provided in section 907 of this act.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2000) \$	7,000,000
General Fund--State Appropriation (FY 2001) \$	7,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2000) \$	750,000
General Fund--State Appropriation (FY 2001) \$	750,000

TOTAL APPROPRIATION \$

((49,870,000))

51,712,000

NEW SECTION. Sec. 719. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2001) \$	9,302,000
General Fund--Federal Appropriation \$	3,368,000
General Fund--Private/Local Appropriation \$	133,000
Special Account Retirement Contribution Increase Revolving Account Appropriation \$	8,081,000
TOTAL APPROPRIATION \$	20,884,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for state agencies and institutions to pay the increased

retirement contributions resulting from enactment of Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this section shall lapse.

NEW SECTION. **Sec. 720.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2000) \$	(1,715,000)
General Fund--State Appropriation (FY 2001) \$	(10,720,000)
General Fund--Federal Appropriation \$	(4,136,000)
General Fund--Private/Local Appropriation \$	(146,000)
Special Account Retirement Contribution Increase Revolving Account Appropriation \$	(8,661,000)
TOTAL APPROPRIATION \$	(25,378,000)

The appropriations in this section are provided solely to reduce agency and institution appropriations to reflect: (1) Savings resulting from the implementation of new employer pension contribution rates, effective May 1, 2000, based on the 1998 actuarial valuation studies conducted by the office of the state actuary as provided in section 907 of this act; and (2) a 0.04 percent increase in the department of retirement systems administrative expense rate, effective May 1, 2000, to fund implementation of the public employees' retirement system plan 3.

Sec. 721. 1999 c 309 s 723 (uncodified) is amended to read as follows:

SALARY COST OF LIVING ADJUSTMENT

General Fund--State Appropriation (FY 2000) \$	((33,614,000))
	<u>33,424,000</u>
General Fund--State Appropriation (FY 2001) \$	((68,186,000))
	<u>68,376,000</u>
General Fund--Federal Appropriation \$	31,436,000
General Fund--Private/Local Appropriation \$	((2,001,000))
	<u>2,014,000</u>
Salary and Insurance Increase Revolving Account Appropriation \$	72,609,000
TOTAL APPROPRIATION \$	((207,846,000))
	<u>207,859,000</u>

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.0 percent salary increase effective July 1, 1999, and a 3.0 percent salary increase effective July 1, 2000, for all classified employees, including those employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 3.0 percent salary increase effective July 1, 1999, and a 3.0 percent increase effective July 1, 2000, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 3.0 percent salary increase effective July 1, 1999, and a 3.0 percent salary increase effective July 1, 2000, for ferry workers consistent with the 1999-01 transportation appropriations act.

(4)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(b) The average salary increases paid under this section and section 724 of this act to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided by subsection (2) of this section.

(5) The appropriations in this section include \$1,498,000 general fund--state for fiscal year 2000, \$1,765,000 general fund--state for fiscal year 2001, and a reduction of \$3,263,000 general fund--federal for the department of social and health services to adjust employer pension funding levels to reflect historical fund source ratios.

Sec. 722. 1999 c 309 s 727 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD

General Fund--State Appropriation (FY 2000) \$	((6,543,000))
	<u>6,578,000</u>
General Fund--State Appropriation (FY 2001) \$	((6,543,000))
	<u>7,379,000</u>
General Fund--Federal Appropriation \$	((3,343,000))
	<u>3,743,000</u>
General Fund--Private/Local Appropriation \$	173,000
Salary and Insurance Increase Revolving Account Appropriation \$	((22,783,000))
	<u>23,025,000</u>
TOTAL APPROPRIATION \$	((39,385,000))
	<u>40,898,000</u>

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Funding is provided to implement the salary increase recommendations of the Washington personnel resources board for the top 26 priority classes identified pursuant to RCW 41.06.152. The salary increases shall be effective July 1, 1999.

(2) The appropriations in this section include \$800,000 general fund--state for fiscal year 2001 and \$400,000 general fund--federal for providing an additional step to all job classes in the N salary range. Funding is contingent upon review and approval of an additional step by the personnel resources board pursuant to RCW 41.06.152(1)(a), and upon approval by the office of financial management that the annual general fund--state cost of the increases proposed for approval do not exceed \$800,000. If the board approves the additional step, it shall be effective July 1, 2000.

NEW SECTION. Sec. 723. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE MULTIMODAL TRANSPORTATION ACCOUNT. The sum of fifty million dollars is appropriated from the general fund to the multimodal transportation account for fiscal year 2000.

NEW SECTION. Sec. 724. A new section is added to 1999 c 309 (uncodified) to read as follows:

The sum of twelve million seven hundred thousand dollars is appropriated for the fiscal biennium ending June 30, 2001, from the emergency reserve fund to the multimodal transportation account for rail programs.

NEW SECTION. Sec. 725. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--LOCAL GOVERNMENT CONTINGENCY FUND

The sum of thirty million dollars is appropriated from the general fund to the local government contingency fund for fiscal year 2001.

NEW SECTION. Sec. 726. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PUBLIC TRANSPORTATION BENEFIT AREAS

(1) For the biennium ending June 30, 2001, as limited by general fund appropriation, the state shall provide a portion of the local share of any political subdivisions' costs for transit programs and services that are the ongoing responsibility of the recipient political subdivision. Such funding shall supplant local funding for this purpose. Any appropriation by the state is a transfer of local government costs under RCW 43.135.060(2), but does not constitute a state obligation after June 30, 2001.

(2) Subject to subsection (1) of this section, the following amounts are appropriated from the general fund to the office of financial management for distribution to the following public transportation benefit areas in the amounts designated:

System Benefit Area FY 2000 Biennium

Ben Franklin Transit Benton-Franklin PTBA 2,401,200 2,401,200
Clallam Transit System Clallam County PTBA 767,400 767,400
Community Transit Snohomish County PTBA 6,857,400 6,857,400
C-Tran Clark County PTBA 4,355,000 4,355,000
Community Urban Bus Service Cowlitz PTBA 310,800 310,800
Everett Transit City of Everett 556,000 556,000
Grant Transit Authority Grant County 657,800 657,800
Grays Harbor Transportation Authority Grays Harbor 772,700 772,700
Intercity Transit Thurston County PTBA 2,763,000 2,763,000
Island Transit Island County PTBA 593,200 593,200
Jefferson Transit Authority Jefferson County PTBA 305,500 305,500
Kitsap Transit Kitsap County PTBA 2,936,100 2,936,100

Link Chelan-Douglas PTBA 1,472,400 1,472,400
Mason County Transportation Authority Mason County 249,400 249,400
Metropolitan King\County King County 35,973,300 35,973,300
Pacific Transit Pacific County 203,000 203,000
Pierce Transit Pierce County PTBA 8,423,900 8,423,900
Pullman Transit Whitman County PTBA 198,300 198,300
Skagit Transit System Skagit PTBA 1,074,200 1,074,200
Spokane Transit Authority Spokane County PTBA 5,774,100 5,774,100
Twin Transit Lewis County PTBA 199,300 199,300
Valley Transit Walla Walla County PTBA 482,800 482,800
Whatcom Transportation Authority Whatcom County PTBA 2,321,500 2,321,500
Yakima Transit City of Yakima 351,700 351,700

TOTAL APPROPRIATIONS \$80,000,000 \$80,000,000

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 1999 c 309 s 801 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION
General Fund Appropriation for fire insurance premiums distribution \$

	6,617,250
General Fund Appropriation for public utility district excise tax distribution \$	35,876,898
General Fund Appropriation for prosecuting attorneys salaries \$	2,960,000
City Police and Fire Protection Assistance Account Appropriation \$	((95,667,000))
	<u>33,383,000</u>
General Fund Appropriation for camper and travel trailer excise tax distribution \$	((4,325,826))
	<u>2,061,000</u>
General Fund Appropriation for boating safety/education and law enforcement distribution \$	3,616,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$	138,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$	25,580,000
Liquor Revolving Fund Appropriation for liquor profits distribution \$	52,269,932
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties \$	74,025,900
Municipal Sales and Use Tax Equalization Account Appropriation \$	((84,851,000))
	<u>28,145,000</u>
County Sales and Use Tax Equalization Account Appropriation \$	((13,147,000))
	<u>9,426,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded	

autopsies \$	1,375,332
County Criminal Justice Account Appropriation \$	((103,169,000))
	<u>70,490,000</u>
Municipal Criminal Justice Account Appropriation \$	((40,269,000))
	<u>29,519,000</u>
County Public Health Account Appropriation \$	((51,520,250))
	<u>17,938,000</u>
<u>Distressed County Assistance Account Appropriation \$</u>	<u>4,928,000</u>
TOTAL APPROPRIATION \$	((595,408,380))
	<u>398,349,312</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 1999 c 309 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

General Fund: For transfer to the Water Quality Account \$	83,423,000
General Fund: For transfer to the Flood Control Assistance Account \$	4,000,000
State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account \$	3,800,000
Water Quality Account: For transfer to the Water Pollution Control Account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit \$	16,350,000
State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2001, an amount up to \$10,000,000 in excess of the cash requirements of the State Treasurer's Service Account \$	10,000,000
Public Works Assistance Account: For transfer to the Drinking Water Assistance Account \$	7,700,000
County Sales and Use Tax Equalization Account: For transfer to the County Public Health Account \$	((2,577,664))
	<u>1,288,832</u>
Public Health Services Account: For transfer to the County Public Health Account \$	1,056,000
State Emergency Water Projects Revolving Account: For transfer to the State Drought Preparedness Account \$	

Tobacco Settlement Account: For transfer to the Health Services Account \$	6,800,000
	223,087,000
State Toxics Control Account: For transfer to the local toxics control account on or before June 30, 2001, up to \$2,500,000, but not greater than the loan enacted in the 1999 supplemental budget. The exact amount and timing of the transfer shall be determined by the office of financial management, based on state toxics control account fund balances \$	2,500,000
<u>Park Land Trust Revolving Fund: For transfer to the common school construction fund, \$13,350,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to \$13,550,000. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit \$</u>	<u>13,550,000</u>
<u>Park Land Trust Revolving Fund: For transfer to the natural resources real property replacement account, \$3,200,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to \$3,300,000. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit \$</u>	<u>3,300,000</u>
<u>Tobacco Prevention and Control Account: For transfer to the Health Services Account \$</u>	<u>25,000,000</u>

PART IX MISCELLANEOUS

NEW SECTION. Sec. 901. A new section is added to chapter 43.79 RCW to read as follows:
The electronic commerce revolving account is created in the state treasury. Legislative appropriations and fund transfers for electronic commerce projects must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for electronic commerce projects.

NEW SECTION. Sec. 902. A new section is added to chapter 41.05 RCW to read as follows:
(1) The uniform medical plan benefits administration account is created in the custody of the state treasurer. Moneys in the account shall be used exclusively for contracted expenditures for uniform medical plan claims administration, data analysis, utilization management, preferred provider administration, and activities related to benefits administration where the level of services provided pursuant to a contract fluctuate as a direct result of changes in uniform medical plan enrollment. Moneys in the account may also be used for administrative activities required to respond to new and unforeseen conditions that impact the uniform medical plan, but only when the authority and the office of financial management jointly agree that such activities must be initiated prior to the next legislative session.

(2) Receipts from amounts due from or on behalf of uniform medical plan enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. All proposals for allotment increases shall be provided to the house of representatives appropriations committee and to the senate ways and means committee at the same time as they are provided to the office of financial management.

(3) The uniform dental plan benefits administration account is created in the custody of the state treasurer. Moneys in the account shall be used exclusively for contracted expenditures related to benefits administration for the uniform dental plan as established under RCW 41.05.140. Receipts

from amounts due from or on behalf of uniform dental plan enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 903. 1999 c 309 s 907 (uncodified) is amended to read as follows:

RETIREMENT CONTRIBUTION RATES. (1) The changes to the basic state and employer contribution rates adopted by the pension funding council for the 1999-2001 biennium shall be effective on the following dates:

(a) The changes to the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system, and to the basic employer contribution rate for the public employees' retirement system (~~(plan 1 and the Washington state patrol retirement system)~~) shall each take effect on July 1, 1999, and continue until April 30, 2000; and

(b) The change to the basic employer contribution rate for the teachers' retirement system (~~(plan 1)~~) shall take effect on September 1, 1999, and continue until April 30, 2000.

(2) The director of the department of retirement systems shall establish new contribution rates, to be effective July 1, 1999, for the public employees' retirement system plan 2 and the law enforcement officers' and fire fighters' retirement system plan 2. The new rates shall be established pursuant to RCW 41.40.650 and 41.26.450 respectively. The director of the department of retirement systems shall establish a new contribution rate, to be effective September 1, 1999, for the teachers' retirement system plan 2. The new rate shall be established pursuant to RCW 41.45.061.

(3) This section expires on (~~June 30, 2001~~) April 30, 2000.

NEW SECTION. Sec. 904. A new section is added to chapter 41.45 RCW to read as follows:

The change to the basic employer contribution rate for the Washington state patrol retirement system adopted by the pension funding council for the 1999-2001 biennium shall be effective July 1, 1999, through June 30, 2001.

Sec. 905. 1999 c 309 s 908 (uncodified) is amended to read as follows:

PUBLIC EMPLOYEES' RETIREMENT SYSTEM. For the period from July 1, 1999, through (~~June 30, 2001~~) April 30, 2000, in addition to the basic and supplemental employer contributions required by RCW 41.45.060 and 41.45.070, the department of retirement systems shall also charge all public employees' retirement system employers an additional employer contribution rate of 0.05 percent for all members of the public employees' retirement system.

This section expires on (~~June 30, 2001~~) April 30, 2000.

Sec. 906. RCW 41.45.060 and 1998 c 341 s 404, 1998 c 340 s 11, and 1998 c 283 s 6 are each reenacted and amended to read as follows:

(1) The state actuary shall provide actuarial valuation results based on the assumptions adopted under RCW 41.45.030.

(2) Not later than September 30, 1998, and every two years thereafter, consistent with the assumptions adopted under RCW 41.45.030, the council shall adopt changes to:

(a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system;

(b) Basic employer contribution rates for the public employees' retirement system (~~(plan 1)~~), the teachers' retirement system (~~(plan 1)~~), and the Washington state patrol retirement system to be used in the ensuing biennial period; and

(c) A basic employer contribution rate for the school employees' retirement system for funding the public employees' retirement system plan 1.

For the 1999-2001 fiscal biennium, the rates adopted by the council shall be effective for the period designated in sections 903 and 904 of this act.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, the law enforcement officers' and fire fighters' retirement system plan 1, and the unfunded liability of the Washington state patrol retirement system not later than June 30, 2024, except as provided in subsection (5) of this section; and

(b) To also continue to fully fund the public employees' retirement system plan 2, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 in accordance with RCW 41.40.650, 41.26.450, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 employer contribution rate.

(5) An amount equal to the amount of extraordinary investment gains as defined in RCW 41.31.020 shall be used to shorten the amortization period for the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted.

(7) The director of the department of retirement systems shall collect those rates adopted by the council.

NEW SECTION. Sec. 907. A new section is added to chapter 41.45 RCW to read as follows:

(1) The 1998 combined actuarial valuation studies conducted by the office of the state actuary determined the pension contribution rates necessary to meet the state's pension funding goals established by this chapter. The contribution rates in this section reflect the findings of the 1998 actuarial valuations, adjusted for a May 1, 2000, implementation date.

(2) Beginning May 1, 2000, the basic employer contribution rates shall be as follows:

(a) 3.58 percent for the public employees' retirement system;

(b) 6.03 percent for the teachers' retirement system; and

(c) 3.25 percent for the law enforcement officers' and fire fighters' retirement system plan 2.

(3) Beginning May 1, 2000, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system plan 2 shall be 2.16 percent.

(4) Beginning May 1, 2000, the member contribution rates shall be as follows:

(a) 1.54 percent for the public employees' retirement system plan 2;

(b) 1.85 percent for the teachers' retirement system plan 2; and

(c) 5.41 percent for the law enforcement officers' and fire fighters' retirement system plan 2.

(5) For the school employees' retirement system, the basic employer contribution rate shall be 3.58 percent and the plan 2 member contribution rate shall be 1.54 percent effective as of the establishment of the new retirement system on September 1, 2000.

(6) This section expires on June 30, 2001.

Sec. 908. RCW 41.26.080 and 1991 c 35 s 17 are each amended to read as follows:

(1) Except as set forth under subsection (2) of this section, the total liability of the plan 1 system shall be funded as follows:

~~((1))~~ (a) Every plan 1 member shall have deducted from each payroll a sum equal to six percent of his or her basic salary for each pay period.

~~((2))~~ (b) Every employer shall contribute monthly a sum equal to six percent of the basic salary of each plan 1 employee who is a member of this retirement system. The employer shall transmit the employee and employer contributions with a copy of the payroll to the retirement system monthly.

~~((3))~~ (c) The remaining liabilities of the plan 1 system shall be funded as provided in chapter 41.45 RCW.

~~((4))~~ (d) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his or her salary or compensation. Payment less said contributions shall be a complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except his or her claim to the benefits to which he or she may be entitled under the provisions of this chapter.

(2) No employer or member contribution is required after June 30, 2000, unless the most recent valuation study for law enforcement officers' and fire fighters' retirement system plan 1 indicates the plan has unfunded liabilities.

NEW SECTION. Sec. 909. A new section is added to 1999 c 309 (uncodified) to read as follows:

DONATIONS OF EMPLOYEE LEAVE. During the 1999-2001 fiscal biennium, an employee of the Washington state department of transportation may, consistent with the provisions of RCW 41.04.665(3), donate leave to the existing leave balances of an employee of the Washington state department of transportation who dies in the line of duty between February 1, 2000, and June 30, 2000. The value of the donated leave will be included in the deceased employee's final compensation, but is not compensation earnable for the purposes of chapter 41.40 RCW. The agency head shall determine the total amount of leave, not to exceed 261 days, that may be donated under this section. The Washington personnel resources board may adopt rules, in consultation with the office of financial management, as it deems necessary for the implementation of this temporary benefit.

Sec. 910. RCW 43.08.250 and 1999 c 309 s 915 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, 2001, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, department of ecology methamphetamine-related activities, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the design, sitework, and construction of a special commitment center, and the replacement of the department of corrections' offender-based tracking system.

Sec. 911. RCW 70.105D.070 and 1999 c 309 s 923 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

- (vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;
- (vii) Hazardous materials emergency response training;
- (viii) Water and environmental health protection and monitoring programs;
- (ix) Programs authorized under chapter 70.146 RCW;
- (x) A public participation program, including regional citizen advisory committees;
- (xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and
- (xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; and (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed \$200,000. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

Sec. 912. RCW 43.72.902 and 1995 c 43 s 12 are each amended to read as follows:

The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system shall consist of the state board of health, the state department of

health, and local health departments and districts. During the 1999-01 biennium, moneys in the fund may also be used for costs associated with hepatitis C testing and treatment in correctional facilities.

NEW SECTION. **Sec. 913.** A new section is added to chapter 43.79 RCW to read as follows:

The local government contingency fund is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to continue state appropriations for programs and services that were previously the responsibility of local government.

Sec. 914. RCW 72.11.040 and 1999 c 309 s 921 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the 1999-2001 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community, and the replacement of the department of corrections' offender-based tracking system. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 915. RCW 76.12.110 and 1999 sp.s. c 13 s 18 are each amended to read as follows:

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands. For the 1999-2001 fiscal biennium, moneys from the account shall be distributed as directed in the omnibus appropriations act to the beneficiaries of the revenues derived from state forest lands. Funds that accrue to the state from such a distribution shall be deposited into the salmon recovery account. These funds shall be used for a pilot program for riparian buffer zones.

Sec. 916. RCW 50.22.--- and 2000 c 2 (SHB 3077) s 7 are each amended to read as follows:

The employment security department is authorized to pay training benefits under section 8 of this act, but may not obligate expenditures beyond the limits specified in this section or as otherwise set by the legislature. ~~((Beginning with expenditures))~~ For the fiscal year ending June 30, 2000, ~~((and including expenditures for the fiscal biennium))~~ the commissioner may not obligate more than twenty million dollars for training benefits. For the two fiscal years ending June 30, 2002, the commissioner may not obligate more than sixty million dollars for training benefits. Any funds not obligated in one fiscal year may be carried forward to the next fiscal year. For each fiscal year beginning after June 30, 2002, the commissioner may not obligate more than twenty million dollars annually in addition to any funds carried over from previous fiscal years. The department shall develop a process to ensure that expenditures do not exceed available funds and to prioritize access to funds when again available.

NEW SECTION. **Sec. 917.** 1999 c 309 s 908 (uncodified) is repealed.

PART X CAPITAL APPROPRIATIONS

Sec. 1001. 1999 c 379 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SECRETARY OF STATE

Eastern Branch Archives Building: Design (98-2-001)

The reappropriation in this section is provided solely for completion of the design phase for the eastern regional archives facility to be sited on the south campus of the Riverpoint higher education park in Spokane.

Reappropriation:

State Building Construction Account--State \$	((48,645))
	<u>295,482</u>
Prior Biennia (Expenditures) \$	((530,972))
	<u>284,135</u>
Future Biennia (Projected Costs) \$	5,135,000

TOTAL \$	5,714,617

Sec. 1002. 1999 c 379 s 107 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization (86-1-001) (00-2-001)

The reappropriation in this section from the public facilities construction loan revolving account is subject to the following conditions and limitations:

(1) The department shall ensure that all funds transferred from the public works assistance account into the public facilities construction loan revolving account during the 1997-99 biennium are used only for loans to local governments.

(2) The department shall also ensure that all principal and interest payments from these loans are paid into the public works assistance account.

(3) The new appropriation from the public facility construction loan revolving account shall be used solely to provide loans to eligible local governments and grants to the extent permitted by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

Reappropriation:

Public Works Assistance Account--State \$	1,539,515
Public Facility Construction Loan Revolving Account--State \$	9,500,000

Subtotal Reappropriation \$	((11,539,515))
	<u>11,039,515</u>

Appropriation:

Public Facility Construction Loan Revolving Account--State \$

	((13,000,000))
	<u>6,641,000</u>
Prior Biennia (Expenditures) \$	559,003
Future Biennia (Projected Costs) \$	36,000,000

TOTAL \$	((60,598,518))
	<u>54,239,518</u>

Sec. 1003. 1999 c 379 s 108 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
County Public Facility Construction (00-2-010)

The appropriations in this section shall be used solely for financial assistance to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial expansion of an existing business facility in the county. The entire appropriation from the state building construction account shall be provided as a grant to support the Grays Harbor water system project.

Appropriation:

Distressed County Facilities Construction Loan Account--State \$	((4,000,000))
	<u>2,619,000</u>
State Building Construction Account--State \$	3,500,000

Subtotal Appropriation \$	((7,500,000))
	<u>6,119,000</u>
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	16,000,000

TOTAL \$	((23,500,000))
	<u>22,119,000</u>

Sec. 1004. 1999 c 379 s 110 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Public Works Trust Fund (94-2-001) (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,000,000 of the new appropriation in this section is provided solely for the preconstruction program as set forth in RCW 43.155.068.

(2) \$2,000,000 of the new appropriation in this section is for the emergency loan program as set forth in RCW 43.155.065.

(3) Not more than one percent of the new appropriation may be used for planning loans.

(4) It is the express intent of the legislature to use moneys in the public works assistance account for no other purposes except the following:

(a) To make loans and to give financial guarantees to local governments for public works projects approved and recommended by the public works board;

(b) To provide appropriations for state match requirements under federal law for projects and activities conducted and financed by the public works board under the drinking water assistance account;

(c) To provide those costs approved by the public works board for administration of the programs specified in this section; and

(d) To provide water quality facility grants to local governments pursuant to section 1017 of this act.

Reappropriation:

Public Works Assistance Account--State \$	179,446,108
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Appropriation:

Public Works Assistance Account--State \$	203,150,000
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Prior Biennia (Expenditures) \$	68,904,717
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Future Biennia (Projected Costs) \$	852,600,000
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TOTAL \$	----- 1,304,100,825
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NEW SECTION. Sec. 1005. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Holly Park Education Center

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for education space in the Holly park housing development for South Seattle Community College; and

(2) The appropriation in this section must be matched by an equal amount from other sources.

Appropriation:

State Building Construction Account--State \$	500,000
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Prior Biennia (Expenditures) \$	0
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Future Biennia (Projected Costs) \$	0
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TOTAL \$

500,000

NEW SECTION. Sec. 1006. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Clark County Skills Center

The appropriation in this section must be matched by at least \$1,300,000 from other sources.

Appropriation:

State Building Construction Account--State \$

300,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

TOTAL \$

300,000

NEW SECTION. Sec. 1007. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Services Facilities Program

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of either the estimated total capital cost or actual total capital cost, whichever is less. The remaining portion of the project capital cost shall be a match from nonstate sources and may include cash, land value, and other in-kind contributions.

(2) Funds provided in this section shall be applied in the amounts and in the order of the list of projects approved and prioritized by the community services facility program advisory board.

Appropriation:

State Building Construction Account--State \$

953,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

TOTAL \$

953,000

NEW SECTION. Sec. 1008. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building Rehabilitation and Capitol Addition

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999;

(2) \$500,000 of the appropriation in this section is provided for design of the interior rehabilitation and exterior preservation of the state legislative building;

(3) \$1,500,000 of the appropriation in this section is provided for design of a capitol addition and access and site improvements to the south portico area; and

(4) \$1,000,000 of the appropriation in this section is provided to conduct a feasibility study to identify the potential for private financial support, to investigate the attachment of exterior sandstone, and to develop a detailed space use analysis and programming to improve the overall efficiency of buildings on the capitol campus.

Appropriation:

Capitol Building Construction Account--State \$	3,000,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	102,500,000

TOTAL \$	105,500,000

Sec. 1009. 1999 c 379 s 928 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Yakima National Guard Armory and Readiness Center: Design and (~~utilities~~) construction (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

Funds expended on this project for off-site utility infrastructure, and facility construction and design, which may include the provision of electricity, natural gas service, water service, sewer service, or facility construction and design shall be for the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs.

Appropriation:

<u>General Fund--Federal \$</u>	<u>474,000</u>
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Reappropriation:

State Building Construction Account--State \$	2,725,000
General Fund--Federal \$	8,275,000

Subtotal Reappropriation \$	11,000,000

Prior Biennia (Expenditures) \$

Future Biennia (Projected Costs) \$	2,573,000
	((3,288,000))
	<u>692,000</u>

TOTAL \$	((16,861,000))
	<u>14,739,000</u>

Sec. 1010. 1999 c 379 s 215 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Ward renovation phase 6 (94-1-316)

Reappropriation:

State Building Construction Account--State \$	((768,458))
	<u>82,800</u>

Prior Biennia (Expenditures) \$	((5,400,765))
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Future Biennia (Projected Costs) \$	<u>12,088,480</u>
	0

TOTAL \$	((6,169,223))
	<u>12,171,280</u>

Sec. 1011. 1999 c 379 s 240 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital: Legal offender unit (98-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$	((6,297,315))
	<u>5,297,315</u>

Prior Biennia (Expenditures) \$	12,398,685
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Future Biennia (Projected Costs) \$	0
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TOTAL \$

~~((18,696,000))~~

17,696,000

NEW SECTION. Sec. 1012. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Security Improvements at Western State Hospital (99-1-001)

The reappropriation in this section is provided solely for facility improvements that are required as a result of the passage of Senate Bill No. 6214.

Reappropriation:

State Building Construction Account--State \$

538,815

Prior Biennia (Expenditures) \$

115,185

Future Biennia (Projected Costs) \$

0

TOTAL \$

654,000

NEW SECTION. Sec. 1013. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center: Phase I (01-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) The appropriation in this section is provided for design, sitework, and construction costs associated with building the first 48-bed housing unit for the special commitment center located at McNeil Island. The department of social and health services shall notify the office of financial management and the legislative fiscal committees if there are changes to the scheduled March 2002 occupancy date.

Appropriation:

State Building Construction Account--State \$

14,000,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

50,000,000

TOTAL \$

64,000,000

Sec. 1014. 1999 c 379 s 252 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (97-2-001)

The reappropriation in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account--Federal \$ 16,133,576

Appropriation:

Drinking Water Assistance Account--Federal \$ 16,985,921

Prior Biennia (Expenditures) \$ 17,739,874

Future Biennia (Projected Costs) \$ 34,000,000

TOTAL \$

~~((67,873,450))~~

84,859,371

Sec. 1015. 1999 c 379 s 301 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Rights Purchase

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for a pilot project for the purchase of water rights under the trust water rights program under chapter 90.42 RCW, for the purpose of improving stream and river flows in fish critical basins. This appropriation shall only be used to acquire water rights in basins with current or proposed listings of salmon or steelhead under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) and where low flows have been identified as a limiting factor for salmon recovery.

Priority for funding such purchases and leases shall take into consideration the following:

- (a) Proposals providing the greatest benefit for restoring and protecting fish;
- (b) Proposals providing benefits in addition to protecting fish critical streams and rivers;
- (c) Proposals that include funds from other sources;
- (d) Proposals showing a broad level of support among interested parties;
- (e) Proposals requiring the lowest administrative costs to implement; and
- (f) Proposals requiring the lowest overall cost within the context of the local marketplace.

(2) Up to \$500,000 of the appropriation in this section is provided for leases of up to three years of water rights in the Methow river water resource inventory area from willing sellers or lessors.

(3) On or before December 1, 2000, the department shall report to the governor and appropriate legislative committees on the progress in implementing the pilot program and recommendations for continuation of the program.

Appropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$

Future Biennia (Projected Costs) \$	0
	24,000,000

TOTAL \$	25,000,000

Sec. 1016. 1999 c 379 s 305 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Referendum 39 Waste Disposal Facilities (82-2-005)

The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account (Waste Facilities 1980)--State \$	((6,113,126))
	<u>6,871,420</u>
Prior Biennia (Expenditures) \$	((12,293,785))
	<u>11,535,491</u>
Future Biennia (Projected Costs) \$	0

TOTAL \$	18,406,911

Sec. 1017. 1999 c 379 s 306 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Centennial Clean Water Fund (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$15,000,000 of the water quality account appropriation is provided for the extended grant payment to Metro/King county. The department shall, in cooperation with Metro/King county, document the eligible costs remaining for the extended grant payment, and submit a revised payment schedule to the governor and appropriate legislative committees by December 1, 1999.

(2) Up to \$10,000,000 of the water quality account appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$3,600,000 of the water quality account appropriation is provided for the construction of a wastewater treatment plant at the city of Connell.

(4) \$900,000 of the water quality account appropriation is provided for the construction of a wastewater treatment plant at the city of Pateros.

(5) The entire public works assistance account appropriation is provided for water quality facility grants for communities with populations less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

~~((5))~~ (6) The remaining appropriation in this section is provided for state-wide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

~~((6))~~ (7) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not associated with contracted projects lapse on June 30, 1999. The office of financial management may grant waivers from this subsection for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and the senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and the senate ways and means committee by December 1, 1999, listing all projects funded from the reappropriation in this section.

Reappropriation:

Water Quality Account--State \$	32,336,890
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Appropriation:

Water Quality Account--State \$	52,000,000
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Public Works Assistance Account--State \$	10,000,000
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Subtotal Appropriation \$	----- 62,000,000
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Prior Biennia (Expenditures) \$	158,376,857
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Future Biennia (Projected Costs) \$	140,000,000
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TOTAL \$	----- 392,713,747
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Sec. 1018. 1999 c 379 s 308 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
 Water Pollution Control Revolving Fund (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--State \$	((55,640,931))
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Water Pollution Control Revolving Account--Federal \$	<u>28,810,479</u>
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	((34,914,688))
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	<u>38,704,192</u>
--	-------------------

Subtotal Reappropriation \$	((90,555,619))
	<u>67,514,671</u>
Appropriation:	
Water Pollution Control Revolving Account--State \$	((32,375,833))
	<u>52,854,981</u>
Water Pollution Control Revolving Account--Federal \$	((46,830,366))
	<u>48,147,552</u>

Subtotal Appropriation \$	((79,206,199))
	<u>101,002,533</u>
Prior Biennia (Expenditures) \$	120,971,790
Future Biennia (Projected Costs) \$	320,207,299

TOTAL \$	((610,940,907))
	<u>609,696,293</u>

Sec. 1019. 1999 sp.s. c 13 s 22 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Salmon Recovery Grants Program (00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire ~~((119,928,000))~~ appropriation in this section is provided solely to the salmon recovery funding board to provide grants to local governments, state agencies, tribes, conservation districts, private landowners, and nonprofit entities for salmon recovery activities pursuant to chapter . . . (House Bill No. 2079), Laws of 1999 sp. sess. or chapter . . . (Senate Bill No. 5595), Laws of 1999 sp. sess. If neither chapter . . . (House Bill No. 2079), Laws of 1999 sp. sess. nor chapter . . . (Senate Bill No. 5595), Laws of 1999 are enacted by June 30, 1999, the amount provided in this section shall lapse.

(2) Up to \$19,650,000 of the general fund--federal appropriation is provided for grants to local governments for salmon recovery in accordance with a grant from the department of interior, United States fish and wildlife service received in December 1998.

~~((6))~~ (3) \$6,200,000 of the state building construction account--state, \$30,840,000 of the salmon recovery account, and \$63,238,000 of the general fund--federal appropriation is provided solely for distribution by the salmon recovery funding board for fish passage barrier correction and fish screens to protect fish, for habitat projects, for salmon recovery activities, to buy back commercial licenses for salmon fishers, and to purchase or lease riparian easements to restore and to protect environmentally sensitive land in riparian areas to protect water quality and improve salmon and steelhead habitat.

(4) The salmon recovery funding board shall adopt policies for the purchase or lease of riparian easements consistent with the requirements of the conservation reserve enhancement program, except that the eligibility is not limited to agricultural lands, and contracts may exceed fifteen years in duration. It is the intent of the legislature that this appropriation be used primarily for landowners that do not qualify for the federal conservation reserve enhancement program.

(5) If federal money is granted to the state for buy back of commercial licenses of salmon fishers, and if that money requires a state match, the salmon recovery funding board shall distribute up to \$5,000,000 of the salmon recovery account appropriation for meeting the federal match requirements.

(6) The salmon recovery funding board shall give priority to requests for lead entity grants. A maximum of \$730,000 may be expended for lead entity grants in fiscal year 2001. The interagency committee for outdoor recreation shall execute an interagency agreement with the department of fish and wildlife to implement this program for lead entities to ensure maximum consistency of implementation.

(7) Grants for contracted engineering services shall be awarded to lead entities or community-based organizations to implement habitat projects. Engineering services grants shall be transferred to the department of fish and wildlife for distribution to lead entities or community-based organizations and shall not be distributed until the salmon recovery funding board and the department of fish and wildlife reach an agreement on a strategy to maximize the benefit of contracted engineering services and these services are integrated into the salmon recovery funding board's project evaluation and allocation process.

(8) In addition to amounts expended before the effective date of this section, a minimum of \$789,000 from the state building construction account shall be expended for fish screens and in-stream flow projects in the Methow water resource inventory area.

(9) \$500,000 of the salmon recovery account is provided solely for the people for salmon nonprofit organization in fiscal year 2001.

(10) \$6,000,000 of the salmon recovery account is provided solely for the jobs for the environment program in the department of natural resources. The interagency committee for outdoor recreation shall execute an interagency agreement with the department of natural resources to implement this program.

(11) \$100,000 of the salmon recovery account is provided solely to implement methods to reduce the by-catch of listed salmon stocks.

(12) A final list of projects funded with appropriations from this section shall be submitted to the office of financial management and the legislature by June 30th of each year.

Appropriation:

General Fund--Federal \$	82,888,000
State Building Construction Account--State \$	6,200,000
Salmon Recovery Account \$	30,840,000

Subtotal Appropriation \$	119,928,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0

TOTAL \$	

119,928,000

Sec. 1020. 1999 c 379 s 930 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington Wildlife and Recreation Program (98-2-003)

The appropriations in this section for the wildlife and recreation program under chapter 43.98A RCW and RCW 43.98A.040 are subject to the following condition and limitation:

(1) The new appropriations in this section are provided for the approved list of projects included in LEAP capital document No. 1999-W3, as developed on April 23, 1999, and LEAP capital document No. 2000-W4, as developed on February 28, 2000.

(2) Any funding provided in this section for the Mt. Spokane - Quartz Mountain acquisition by the state parks and recreation commission shall not exceed fair market value as determined by an evaluation of three independent appraisals.

Reappropriation:

State Building Construction Account--State \$	6,475,416
Outdoor Recreation Account--State \$	23,733,311
Habitat Conservation Account--State \$	25,872,718

Subtotal Reappropriation \$	56,081,445

Appropriation:

Outdoor Recreation Account--State \$	23,000,000
Habitat Conservation Account--State \$	25,000,000

Subtotal Appropriation \$	48,000,000
Prior Biennia (Expenditures) \$	213,018,555
Future Biennia (Projected Costs) \$	190,000,000

TOTAL \$	507,100,000

Sec. 1021. 1999 c 379 s 335 (uncodified) is amended to read as follows:
FOR THE STATE CONSERVATION COMMISSION
Conservation Reserve Enhancement Program (00-2-004)

Reappropriation:

State Building Construction Account--State \$	5,000,000
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~~((Appropriation:~~

State Building Construction Account--State \$	5,000,000))
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	((10,000,000))
	<u>15,000,000</u>

TOTAL \$	20,000,000

Sec. 1022. 1999 c 379 s 337 (uncodified) is amended to read as follows:
FOR THE STATE CONSERVATION COMMISSION
Dairy Waste Management Grants Program (98-2-002)

The appropriations in this section are subject to the following conditions and limitations:
(1) ~~((1,500,000))~~ \$4,000,000 of the appropriation is provided solely for a state-wide grant program to assist dairy operators in implementing dairy waste management systems; and
(2) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to provide technical assistance to dairy operators for development and implementation of dairy waste management plans.

Reappropriation:	
Water Quality Account--State \$	529,132
Appropriation:	
Water Quality Account--State \$	3,000,000
<u>State Building Construction Account--State \$</u>	<u>2,500,000</u>

<u>Subtotal Appropriation \$</u>	<u>5,500,000</u>
Prior Biennia (Expenditures) \$	2,470,868
Future Biennia (Projected Costs) \$	12,000,000

TOTAL \$	((18,000,000))
	<u>20,500,000</u>

Sec. 1023. 1999 c 379 s 341 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Grandy Creek Hatchery (92-5-024)

Reappropriation:

State Building Construction Account--State \$	((3,667,100))
	<u>267,100</u>
Prior Biennia (Expenditures) \$	652,080
Future Biennia (Projected Costs) \$	((0))
	<u>3,400,000</u>

TOTAL \$	4,319,180

Sec. 1024. 1999 c 379 s 361 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Warm Water Game Fish Access Facilities (98-2-006)

Reappropriation:	
Warm Water Game Fish Account--State \$	210,000
Appropriation:	
Warm Water Game Fish Account--State \$	((600,000))
	<u>300,000</u>
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	2,080,000

TOTAL \$	((2,890,000))
	<u>2,590,000</u>

Sec. 1025. 1999 c 379 s 373 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Small Timber Landowner Program (00-5-001)

The appropriation in this section is subject to the following conditions and limitations:
~~((1)) This appropriation is provided solely to purchase ((or lease riparian and other sensitive aquatic areas from willing owners of small parcels of forest land.~~
~~(2) If federal grants for salmon recovery efforts are equal to or less than \$50,000,000 during the 1999-2001 fiscal biennium, then \$5,000,000 of the appropriation in this section may be expended. If federal grants for salmon recovery efforts during the 1999-2001 biennium exceed \$50,000,000, then the entire appropriation in this section may be expended.)~~ forest riparian easements, as defined in RCW 76.13.120(2)(a), to mitigate diminished economic viability, as described in RCW 76.13.100, from willing small forest landowners, as described in RCW 76.13.120(2)(a).

Appropriation:

((General Fund - Federal)) <u>State Building Construction Account--State</u> \$	((10,000,000))
	<u>2,500,000</u>
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0

TOTAL \$	((10,000,000))
	<u>2,500,000</u>

Sec. 1026. 1999 c 379 s 383 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Administrative Site Preservation (00-1-018)

Appropriation:

<u>Agricultural College Trust Management Account--State</u> \$	<u>51,400</u>
Forest Development Account--State \$	203,580
Resources Management Cost Account--State \$	((565,500))
	<u>514,100</u>
State Building Construction Account--State \$	361,920

Subtotal Appropriation \$	1,131,000
Prior Biennia (Expenditures) \$	938,000
Future Biennia (Projected Costs) \$	5,118,000

TOTAL \$	7,187,000

Sec. 1027. 1999 c 379 s 384 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Trust Land Transfer (00-2-001)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements for certain trust lands of state-wide

significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring real property of equal value to be managed as common school trust land.

(3) Property subject to easement agreements under this section shall be appraised at fair market value both with and without the imposition of the easement. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list in subsection (8) of this section if, based on new, substantive information, it is determined that transfer of the property is not in the state-wide interest of either the common school trust or the receiving agency.

(8) The appropriation in this section is provided to execute transfers or easements for the list of properties identified in LEAP capital document No. ~~((99-3))~~ 2000-4, as developed on ~~((April 8, 1999))~~ February 28, 2000, as follows: Projects in category A shall be transferred; to the extent that local funding is provided for the land value of the property, projects in category B shall be transferred; and projects in category C and remaining projects in category B may be transferred or leased as funding allows.

(9) The department shall execute trust land transfers and easements such that 90 percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 90:10 ratio, the department may offset transfers of property with low timber-to-land ratios with easements on other properties.

(10) On June 30, 2001, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

Appropriation:

Natural Resources Real Property Replacement--State \$	6,200,000
State Building Construction Account--State \$	66,000,000

Subtotal Appropriation \$	72,200,000

Prior Biennia (Expenditures) \$	34,500,000
Future Biennia (Projected Costs) \$	220,000,000

TOTAL \$	326,700,000

Sec. 1028. 1999 c 379 s 388 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Right-of-Way Acquisition (00-2-005)

Appropriation:

<u>Agricultural College Trust Management Account--State \$</u>	<u>6,000</u>
Forest Development Account--State \$	387,000
Resources Management Cost Account--State \$	((650,000))
	<u>644,000</u>

Subtotal Appropriation \$	1,037,000
Prior Biennia (Expenditures) \$	1,392,000
Future Biennia (Projected Costs) \$	6,000,000

TOTAL \$	8,429,000

Sec. 1029. 1999 c 379 s 390 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor Works: Program (00-2-011)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

<u>Agricultural College Trust Management Account--State \$</u>	<u>35,000</u>
Forest Development Account--State \$	136,600
Resources Management Cost Account--State \$	((379,500))
	<u>344,500</u>
State Building Construction Account--State \$	242,900

Subtotal Appropriation \$	-----
	759,000
Prior Biennia (Expenditures) \$	
	609,000
Future Biennia (Projected Costs) \$	
	5,580,000

TOTAL \$	6,948,000

Sec. 1030. 1999 c 379 s 931 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic Lands Enhancement Grants (00-2-014)

The appropriation in this section is provided for a list of projects in LEAP capital document No. ~~((1999-A1))~~ 2000-A2, as developed on ~~((April 23, 1999))~~ February 28, 2000.

The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2001-03 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2000.

Reappropriation:

Aquatic Lands Enhancement Account--State \$	
	2,340,000

Appropriation:

Aquatic Lands Enhancement Account--State \$	
	5,550,000

Prior Biennia (Expenditures) \$	
	9,716,817

Future Biennia (Projected Costs) \$	
	24,000,000

TOTAL \$	41,606,817

Sec. 1031. 1999 c 379 s 502 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL
Seattle Crime Laboratory (00-2-008)

The appropriations in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$	
	900,000

Appropriation:

County Criminal Justice Assistance Account--State \$	650,000
<u>Death Investigations Account--State \$</u>	<u>2,500,000</u>
Municipal Criminal Justice Assistance Account--State \$	250,000
State Building Construction Account--State \$	9,100,000

Subtotal Appropriation \$	((10,000,000))
	<u>12,500,000</u>
Prior Biennia (Expenditures) \$	200,000
Future Biennia (Projected Costs) \$	0

TOTAL \$	((11,100,000))
	<u>13,600,000</u>

Sec. 1032. 1999 c 379 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common School Construction: Quality and value improvements (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((\$9,800,000))~~ Up to \$4,800,000 of this appropriation is provided to implement chapter . . . (House Bill No. 1831), Laws of 1999. ~~((If the bill is not enacted by June 30, 1999, this appropriation shall lapse.))~~

(2) \$200,000 from this appropriation is provided to fund two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(3) On an annual basis, the state board shall report to the fiscal committees of the legislature and the office of financial management with a summary of the results of the value engineering studies and constructability reviews, and an evaluation of the use of building commissioning construction management services and fire marshal reviews.

Appropriation:

Common School Construction Account--State \$	((10,000,000))
	<u>5,000,000</u>
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	40,000,000

TOTAL \$

((50,000,000))

45,000,000

Sec. 1033. 1999 c 379 s 604 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
Public School Building Construction (98-2-001)(00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Up to \$6,491,519 of the new appropriation provided in this section may be provided for emergency repairs.

~~((a))~~ (b) Prior to the distribution of funds authorized by this subsection, the state board shall develop rules for school district eligibility to receive emergency grants and requirements for repayment of recovered costs. It is intended that these funds be provided to school districts only for emergency repairs due to accidents, natural disasters, fire, floods, vandalism, or similar events and only after all avenues of local funding have been exhausted.

~~((b))~~ (2) The state board shall report to the fiscal committees of the legislature and the office of financial management the amount and purpose of each grant provided to school districts.

~~((c))~~ (3) Any recoveries by the districts from insurance, litigation, or other sources for repairs and improvements funded from this appropriation shall be returned to the state in proportion to the state assistance as a share of total project cost.

~~((2) Total cash disbursed from the common school construction account may not exceed the available cash balance.))~~

Reappropriation:

State Building Construction Account--State \$

1,993,556

Common School Construction Account--State \$

112,424,633

Subtotal Reappropriation \$

114,418,189

Appropriation:

Common School Construction Account--State \$

((315,081,000))

365,649,000

Prior Biennia (Expenditures) \$

607,956,559

Future Biennia (Projected Costs) \$

1,390,582,000

TOTAL \$

((2,428,037,748))

2,478,605,748

Sec. 1034. 1999 c 379 s 605 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Program Management (98-1-001)

Funding is provided for up to five FTE regional coordinators. The coordinators shall have direct construction or architectural training and experience and be strategically located across the state. The coordinators shall assist local school districts with: State board of education rules relating to school construction and modernization projects, building condition analysis, development of state studies and surveys, architect/engineer and construction manager selection, value engineering, and constructability reviews during design, building commissioning, construction administration, maintenance issues, and data verification to allow equitable administration of the state board priority system.

Appropriation:

Common School Construction Account--State \$	1,619,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	7,644,000

TOTAL \$	9,263,000

Sec. 1035. 1999 c 379 s 615 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

((~~Campus Wide~~)) Clarke Hall and Lloyd Auditorium: Seismic stabilization (02-1-008)

Appropriation:

State Building Construction Account--State \$	((500,000))
	<u>800,000</u>
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	((500,000))
	<u>0</u>

TOTAL \$	((1,000,000))
	<u>800,000</u>

Sec. 1036. 1999 c 379 s 634 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Minor Works: Safety (98-1-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

((State Building Construction Account--State \$	2,500,000))
<u>University of Washington Building Account--State \$</u>	<u>2,671,684</u>
Prior Biennia (Expenditures) \$	((1,200,000))
	<u>1,028,316</u>
Future Biennia (Projected Costs) \$	0

TOTAL \$	3,700,000

Sec. 1037. 1999 c 379 s 641 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
Nuclear Reactor: Decommissioning (99-2-009)

Reappropriation:

State Building Construction Account--State \$	((750,000))
	<u>1,149,696</u>
Prior Biennia (Expenditures) \$	((450,000))
	<u>50,304</u>
Future Biennia (Projected Costs) \$	0

TOTAL \$	1,200,000

Sec. 1038. 1999 c 379 s 642 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
Tacoma Branch Campus: Phase III predesign (00-2-021)

The appropriation in this section is to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account--State \$	500,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0

55,000,000

TOTAL \$

55,500,000

NEW SECTION. Sec. 1039. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Minor Works and Classroom Improvements

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

University of Washington Building Account--State \$

14,000,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

0

TOTAL \$

14,000,000

Sec. 1040. 1999 c 379 s 686 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

WSU Spokane - Health Sciences Building (98-2-903)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(2) No money from the reappropriation may be expended in a manner that is inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(3) Design and construction of this building shall accommodate at least 240 additional full-time equivalent students on the Riverpoint campus.

Reappropriation:

State Building Construction Account--State \$

1,871,010

Appropriation:

~~((Higher Education Construction Account--State))~~

State Higher Education Construction Account--State \$

36,300,000

Prior Biennia (Expenditures) \$

814,365

Future Biennia (Projected Costs) \$

0

TOTAL \$

38,985,375

Sec. 1041. 1999 c 379 s 794 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College - Instructional Technology Center: Construction (96-2-652)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$

((1,600,000))

1,873,000

Prior Biennia (Expenditures) \$

((15,017,483))

14,744,483

Future Biennia (Projected Costs) \$

0

TOTAL \$

16,617,483

Sec. 1042. 1999 c 379 s 905 (uncodified) is amended to read as follows:
ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

The alternative finance authorization granted in this section and in section 222(2)(j), chapter 309, Laws of 1999, do not imply commitments or guarantees that the legislature will provide for future expenses of properties and facilities acquired, constructed, or improved through financial contracts. The legislature will convene an interim workgroup to develop a policy for the use of alternative financing contracts and implications for future operating budget impacts. The office of financial management shall develop a standardized procedure for alternative financing contracts that incorporates the findings of the legislative workgroup, including a full assessment of all acquisition and operating costs, and proposed revenue sources for such expenditures. In the 2001-03 budget request from the governor, the office of financial management shall not forward to the legislature requests for alternative financing contracts that fail to fulfill the information requirements developed under this section.

(1) Department of general administration:

(a) Enter into a financing contract in the amount of \$9,435,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Yakima for use by state agencies.

(b) Enter into a financing contract in the amount of \$4,621,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Kelso for use by the department of social and health services and the employment security department.

(2) Department of corrections: Enter into a financing contract on behalf of the department of corrections in the amount of \$2,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

(3) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW:

(a) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct cabins at Cama beach.

(b) Enter into financing contracts on behalf of state parks and recreation in the amount of \$250,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to complete improvements at the interpretive center/store at Deception Pass.

(c) Enter into financing contracts on behalf of state parks and recreation in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install additional yurts and cabins state-wide.

(d) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a day use shelter at Lake Sammamish.

(e) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to improve campsite electrification state-wide.

(f) Enter into financing contracts on behalf of state parks and recreation in the amount of \$750,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop additional campsites state-wide.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College in the amount of \$1,526,150 plus financing expenses and reserves pursuant to chapter 39.94 RCW for remodel of the Lindbloom student center building.

(b) Enter into a financing contract on behalf of Highline Community College in the amount of \$2,070,613 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of the Federal Way Center, currently being leased by the college.

(c) Enter into a financial contract on behalf of Green River Community College in the amount of \$100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately 1.5 acres of land adjacent to the westside parking lot.

(d) Enter into a financing contract on behalf of Grays Harbor Community College in the amount of \$600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase and remodeling of the Riverview School and 2.83 acres of property, currently being leased by the college.

(e) Enter into a financing contract on behalf of Everett Community College in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the remodeling of the fitness center.

(f) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$1,697,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the existing student center.

(g) Enter into a financing contract on behalf of Spokane Community College in the amount of \$3,840,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing Lair student service building costing \$6,000,000. The balance of project cost will be cash from student and activity fees and enterprise funds.

(h) Enter into a financing contract on behalf of Big Bend Community College in the amount of \$150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the exchange of 10 acres of land with Grant county.

(i) Enter into a financing contract on behalf of Green River Community College in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for purchase and development of property in the downtown Kent area.

(j) Enter into a financing contract on behalf of Columbia Basin Community College in the amount of (~~(\$1,000,000)~~) \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot student services auditorium.

(k) Enter into a financing contract on behalf of Yakima Valley Community College in the amount of \$375,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 2,700 gross square foot addition and remodeling to the existing student union building costing \$1,400,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(l) Enter into a financing contract on behalf of Peninsula Community College in the amount of \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the student union building.

(m) Enter into a financing contract on behalf of Whatcom Community College in the amount of (~~(\$2,500,000)~~) \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing extended learning/work force facility costing \$4,388,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(n) Enter into a financial contract on behalf of Green River Community College in the amount of \$350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Lea Hill park from King county.

(o) Enter into a financial contract on behalf of Bellevue Community College in the amount of \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for replacement of the Robinswood school. This authority is provided in addition to the appropriation in section 761 of this act.

(p) Enter into a financial contract on behalf of Wenatchee Valley College in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(q) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$1,918,483 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of 10.71 acres of property for the completion of the Whatcom Community College campus.

(r) Enter into a financing contract on behalf of Edmonds Community College in the amount of (~~(\$3,700,000)~~) \$4,150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a music building on the college campus.

(s) Enter into a financing contract on behalf of Olympic College in the amount of \$900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of off-street student parking.

(t) Enter into a financing contract on behalf of Bates Technical College in the amount of \$4,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of a 9.41 acre site with an approximately 46,125 square foot broadcasting facility situated on 19th Street in Tacoma. It is the intent of the legislature that \$2,000,000 of this financing contract will be repaid from private donations.

(u) Enter into a financing contract on behalf of Renton Technical College in the amount \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of approximately 10 acres within the district boundary to support a future relocation of apprenticeship programs off the main campus.

(5) Central Washington University: Enter into a financing contract on behalf of Central Washington University in the amount of \$5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.

(6) University of Washington:

(a) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance real property improvements to the Sand Point building.

(b) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance primate center tenant improvements.

(c) Enter into a financing contract on behalf of the University of Washington in the amount of \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Husky Den, the food service in the Husky Union building, and the renovation of the McMahan Hall food service.

(d) Enter into a financing contract on behalf of the University of Washington in the amount of \$5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for installation of Ethernet wiring and electrical upgrades in Lander Hall and McCarty Hall.

(7) Washington state convention and trade center: Enter into one or more financing contracts not exceeding an aggregate total amount of \$27,500,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW, for funding unanticipated costs in excess of the \$111,700,000 principal amount of the financing contract authorized in section 802(10)(b), chapter 16, Laws of 1995 2nd sp. sess., for the construction of the expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995. The balance of the expansion project funds shall be provided from interest earnings and public or private funds. The financing contract or contracts representing all or part of the amount authorized by this section shall not be executed without prior written approval of the office of financial management based upon its determination that such financing contract or contracts are reasonably necessary for the expansion project.

NEW SECTION. Sec. 1043. The following acts or parts of acts are each repealed:

- (1) 1999 c 379 s 610 (uncodified);
- (2) 1999 c 379 s 611 (uncodified); and
- (3) 1999 c 379 s 613 (uncodified).

NEW SECTION. Sec. 1044. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1045. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Crouse; Gombosky; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

MINORITY recommendation: Do not pass. Signed by Representative Kagi.

Voting yea: Representatives Huff, H. Sommers, Barlean, Doumit, Schmidt, Alexander, Benson, Boldt, Clements, Crouse, Gombosky, Grant, Keiser, Kenney, Kessler, Lambert, Linville, Lisk, Mastin, McIntire, McMorris, Mulliken, Parlette, Regala, Rockefeller, Ruderman, Sullivan, Sump, Tokuda and Wensman.

Voting nay: Representatives Cody and Kagi.

March 22, 2000

2SSB 6499 Prime Sponsor, Committee on Transportation: Funding transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 1999 sp.s. c 1 s 1 (uncodified) is amended to read as follows:

(1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(f) "Provided for" means the agency may apportion the specified amount among identified uses as the director or secretary deems most prudent.

(g) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

~~((g))~~ (h) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

~~((h))~~ (i) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(j) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

**PART I
GENERAL GOVERNMENT AGENCIES--OPERATING**

Sec. 101. 1999 sp.s. c 1 s 103 (uncodified) is amended to read as follows:
FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Grade Crossing Protective Account--State Appropriation \$

((~~111,000~~))

222,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((4))~~ The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

~~((3) The appropriation in this section is for the fiscal year ending June 30, 2000.)~~

GENERAL GOVERNMENT AGENCIES--CAPITAL

Sec. 102. 1999 sp.s. c 1 s 105 (uncodified) is amended to read as follows:
FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS
Motor Vehicle Account--State Appropriation \$

((~~2,690,000~~))

1,115,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) ~~((900,000))~~ \$345,000 is a reappropriation provided to complete the ~~((Cama Beach project and the))~~ Damon point project funded in section 110, chapter 457, Laws of 1997. ~~((The projects shall be completed by June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.))~~

(2) ~~((1,790,000))~~ \$770,000 is a one-time appropriation provided solely for the ~~((following projects, apportioned as follows:~~

~~(a) Ike Kinswa State Park, \$100,000 to commission a hydrology and geology study for the park road drainage system and a traffic study of the intersection of the park entrance roads with SR 122;~~

~~(b) Mt. Spokane State Park, \$1,300,000;~~

~~(c) Beacon Rock State Park, \$300,000; and~~

~~(d) Cama Beach State Park, \$90,000.~~

~~These projects shall be completed by June 30, 2001))~~ design phase of the Mt. Spokane State Park project. Project status reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

**PART II
TRANSPORTATION AGENCIES**

Sec. 201. 1999 sp.s. c 1 s 203 (uncodified) is amended to read as follows:
FOR THE COUNTY ROAD ADMINISTRATION BOARD
Rural Arterial Trust Account--State Appropriation \$

((~~72,510,000~~))

Motor Vehicle Account--State Appropriation \$	60,510,000
	((9,546,000))
Motor Vehicle Account--Private/Local Appropriation \$	1,546,000
County Arterial Preservation Account--State Appropriation \$	376,000
	28,612,000
TOTAL APPROPRIATION \$	((111,044,000))
	91,044,000

~~((The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$8,000,000 of the motor vehicle account state appropriation is provided solely for projects on the freight and goods systems on county roads.))~~

Sec. 202. 1999 sp.s. c 1 s 204 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation \$	104,508,000
Transportation Improvement Account--State Appropriation \$	((99,414,000))
	149,414,000
Public Transportation Systems Account--State Appropriation \$	((33,496,000))
	4,532,000
Multimodal Transportation Account--State Appropriation \$	11,977,000
TOTAL APPROPRIATION \$	((237,418,000))
	270,431,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ~~((To the extent practicable, the board shall give preference, for amounts which would otherwise be granted to cities, to those projects which complement projects funded under the county corridor congestion relief program contained in section 231(8) of this act.))~~

(1) The transportation improvement account--state appropriation includes \$60,000,000 in proceeds from the sale of bonds, \$30,000,000 authorized by RCW 47.26.500, and \$30,000,000 authorized by House Bill No. 2788. If House Bill No. 2788 is not enacted in the form passed by the legislature \$30,000,000 of the amount provided in this subsection shall lapse.

(2) The multimodal transportation account--state appropriation includes \$2,279,000 for renovation of the King street station. If House Bill No. 3102 is enacted in the form passed by the legislature, this amount shall lapse.

(3) During the next project prioritization cycle for surface transportation program enhancement funds, the transportation improvement board will give preference to projects that will promote economic development or revitalization, promote increased tourism, and enhance the knowledge of Washington's unique historic transportation systems.

Sec. 203. 1999 sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

~~((Transportation Account--State Appropriation))~~

Motor Vehicle Account--State Appropriation \$

~~((807,000))~~

767,000

Sec. 204. 1999 sp.s. c 1 s 210 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

~~((Transportation))~~ Motor Vehicle Account--State Appropriation \$

~~((600,000))~~

550,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The freight mobility strategic investment board is authorized to revise the criteria for selecting and ranking freight mobility projects, to be applied during the next call for projects. The original portfolio of projects submitted by the board to the legislature in December of 1999 shall not be impacted by any revisions to the criteria.

(2) The legislature recognizes that the freight mobility strategic investment board has submitted projects meeting the geographic allocation requirements of RCW 47.06A.050, even though some of the projects ultimately will be funded with regionally-allocated federal funds.

Sec. 205. 1999 sp.s. c 1 s 211 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation \$

~~((154,538,000))~~

154,388,000

State Patrol Highway Account--Federal Appropriation \$

6,153,000

State Patrol Highway Account--Private/Local Appropriation \$

169,000

TOTAL APPROPRIATION \$

~~((160,860,000))~~

160,710,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~(1) ((The following amounts are provided solely for administration of the field operations group subprogram: \$120,372,000 of the state patrol highway account--state appropriation; \$2,854,000 of the state patrol highway account--federal appropriation; and \$83,000 of the state patrol highway account--private/local appropriation.~~

~~(2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: \$26,367,000 of the state patrol highway account--state appropriation; \$3,299,000 of the state patrol highway account--federal appropriation; and \$86,000 of the state patrol highway account--private/local appropriation.~~

~~(3) \$7,799,000 of the state patrol highway account--state appropriation is provided solely for the administration of the traffic investigation division subprogram.~~

~~(4) \$1,137,000 of the state patrol highway account--state appropriation is provided solely for the license fraud task force to begin on July 1, 1999. Positions funded are one sergeant/detective, three~~

~~Washington state patrol detectives, and one clerical support person, for administrative support for the task force as a whole. \$115,400 of this amount is for reimbursement to the department of revenue and \$228,315 of this amount is for reimbursement to the attorney general's office. If Senate Bill No. 5706 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse. Any funds provided in this subsection not used to implement Senate Bill No. 5706 as enacted by the legislature shall revert at the end of the 1999-01 biennium.~~

~~(5))~~ \$1,435,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

~~((6))~~ (2) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000. The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.

Sec. 206. 1999 sp.s. c 1 s 212 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU
 State Patrol Highway Account--State Appropriation \$

~~((67,015,000))~~

66,143,000

State Patrol Highway Account--Federal Appropriation \$

104,000

State Patrol Highway Account--Private/Local Appropriation \$

743,000

TOTAL APPROPRIATION \$

~~((67,862,000))~~

66,990,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

Sec. 207. 1999 sp.s. c 1 s 213 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES
Marine Fuel Tax Refund Account--State Appropriation \$

3,000

Motorcycle Safety Education Account--State Appropriation \$

~~((118,000))~~

102,000

Wildlife Account--State Appropriation \$

~~((50,000))~~

80,000

Highway Safety Account--State Appropriation \$

~~((6,578,000))~~

Motor Vehicle Account--State Appropriation \$	<u>7,218,000</u>
	((4,571,000))
DOL Services Account--State Appropriation \$	<u>4,093,000</u>
	<u>123,000</u>
TOTAL APPROPRIATION \$	((11,317,000))
	<u>11,619,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$17,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6264 enacted in the form passed by the legislature.

Sec. 208. 1999 sp.s. c 1 s 214 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS
Marine Fuel Tax Refund Account--State Appropriation \$

	<u>2,000</u>
Motorcycle Safety Education Account--State Appropriation \$	((102,000))
	<u>44,000</u>
Wildlife Account--State Appropriation \$	((46,000))
	<u>32,000</u>
Highway Safety Account--State Appropriation \$	((5,725,000))
	<u>6,149,000</u>
Motor Vehicle Account--State Appropriation \$	((3,651,000))
	<u>3,018,000</u>
DOL Services Account--State Appropriation \$	<u>292,000</u>
TOTAL APPROPRIATION \$	((9,524,000))
	<u>9,537,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$745,000 of the highway safety fund--state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

Sec. 209. 1999 sp.s. c 1 s 215 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES
Marine Fuel Tax Refund Account--State Appropriation \$

	26,000
Wildlife Account--State Appropriation \$	

Motor Vehicle Account--State Appropriation \$	556,000
	((56,137,000))
DOL Services Account--State Appropriation \$	<u>53,869,000</u>
	2,907,000
TOTAL APPROPRIATION \$	((59,626,000))
	<u>57,358,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((4))~~ (1) \$300,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

~~((5))~~ (2) \$15,000 of the motor vehicle account--state appropriation is provided solely to implement House Bill No. 2201 enacted in the form passed by the legislature.

Sec. 210. 1999 sp.s. c 1 s 216 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES
 Motorcycle Safety Education Account--State Appropriation \$

	1,960,000
Highway Safety Account--State Appropriation \$	((78,075,000))
	<u>77,986,000</u>
TOTAL APPROPRIATION \$	((80,035,000))
	<u>79,946,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) By January 1, 2001, the department of licensing shall provide a progress report to the governor and the house of representatives and senate transportation committees on the driver history initiative project.

(2) \$2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized in Title 46 RCW.

~~((2))~~ (3) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(4) \$17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(5) \$130,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 enacted in the form passed by the legislature. If House Bill No. 2259 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) ~~(\$34,000)~~ \$10,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

~~(\$329,000)~~ (7) \$289,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 5399 enacted as passed by the legislature.

(8) \$125,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6264 enacted in the form passed by the legislature.

Sec. 211. 1999 sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation \$

~~((44,508,000))~~

45,508,000

Motor Vehicle Account--Federal Appropriation \$

400,000

TOTAL APPROPRIATION \$

~~((44,908,000))~~

45,908,000

Sec. 212. 1999 sp.s. c 1 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation \$

~~((4,010,000))~~

5,047,000

Aircraft Search and Rescue Safety and Education Account--State Appropriation \$

159,000

~~((Transportation Account--State Appropriation \$~~

~~247,000))~~

TOTAL APPROPRIATION \$

~~((4,416,000))~~

5,206,000

Sec. 213. 1999 sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Motor Vehicle Account--State Appropriation \$

~~((630,010,000))~~

458,599,000

Motor Vehicle Account--Federal Appropriation \$

~~((234,939,000))~~

241,866,000

Motor Vehicle Account--Private/Local Appropriation \$

	((43,344,000))
	<u>50,364,000</u>
((High Capacity Transportation Account--State Appropriation \$	110,000))
Special Category C Account--State Appropriation \$	55,220,000
((Transportation Account--State Appropriation \$	197,284,000
Transportation Account--Federal Appropriation \$	56,808,000))
Puyallup Tribal Settlement Account--State Appropriation \$	8,662,000
((Transportation Infrastructure Account--State Appropriation \$	1,750,000
Transportation Infrastructure Account--Private/Local Appropriation \$	1,750,000))
<u>Multimodal Transportation Account--State Appropriation \$</u>	<u>4,880,000</u>
<u>Multimodal Transportation Account--Federal Appropriation \$</u>	<u>1,275,000</u>
<u>Multimodal Transportation Account--Private/Local Appropriation \$</u>	<u>1,106,000</u>
TOTAL APPROPRIATION \$	((1,229,877,000))
	<u>821,972,000</u>

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

~~(4) ((The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.~~

~~(5))~~ The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation. The project shall no longer receive a portion of its funding from the economic development account.

~~(((6) \$34,920,000 of the motor vehicle account--state appropriation))~~ (5) \$4,880,000 of the multimodal transportation account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount

provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

~~((7))~~ (6) The motor vehicle account--state appropriation includes ~~(((\$469,779,000))~~ \$132,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((8) \$500,000 of the motor vehicle account--state appropriation is provided solely for analysis and design of congestion solutions at the intersections of the South Lake Union/Mercer corridor with Interstate 5 and SR 99. The amount provided in this subsection shall be expended on the state's portion of the project. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating \$500,000 or more toward design and analysis for the local street portion of the project.~~

~~((9) \$10,000,000)~~ (7)(a) \$50,000,000 of the motor vehicle account--state appropriation ~~((and \$40,000,000 of the transportation account--state appropriation are))~~ is provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(b) The \$50,000,000 provided in (a) of this subsection includes \$5,527,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW.

~~((11))~~ (8) \$5,800,000 of the motor vehicle account--state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites ~~((an))~~ and weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

~~((12))~~ (9) \$485,000 of the motor vehicle account--state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

~~((13))~~ (10) \$800,000 of the motor vehicle account--state appropriation ~~((is))~~ and \$3,000,000 of the motor vehicle account--federal appropriation are provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

~~((14) \$500,000)~~ (11) \$1,166,000 of the motor vehicle fund--state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. ~~((The department of transportation and the city of Renton shall develop a proposal that includes a funding plan for the interchange that specifies the partner's share of the cost. The department and the city shall report to the legislative transportation committees by December 1, 1999.))~~ This amount shall be placed into a reserve status until such time as a one-third contribution is made by the city of Renton and a one-third contribution is made by the project developer. If the city and developer contributions are not obtained by October 31, 2000, this amount shall lapse.

Sec. 214. 1999 sp.s. c 1 s 220 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K

~~((Transportation Account--State Appropriation \$~~

~~1,212,000))~~

Motor Vehicle Account--State Appropriation \$	((10,162,000))
	<u>5,847,000</u>
TOTAL APPROPRIATION \$	((11,374,000))
	<u>5,847,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The motor vehicle fund--state appropriation includes ((~~\$10,162,000~~)) \$4,635,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

Sec. 215. 1999 sp.s. c 1 s 221 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation \$	((251,426,000))
	<u>233,327,000</u>
Motor Vehicle Account--Federal Appropriation \$	((887,000))
	<u>486,000</u>
Motor Vehicle Account--Private/Local Appropriation \$	3,417,000
TOTAL APPROPRIATION \$	((255,730,000))
	<u>237,230,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall not close any highway rest areas but shall continue to operate and maintain all existing rest areas. The department shall convene a panel of stakeholders to evaluate innovative financing options and partnership opportunities at safety rest areas on state highways. At a minimum, the evaluation shall include: (a) A survey of relevant laws that impact the state's ability to create public-private partnerships or utilize innovative financing techniques for the maintenance and operation of safety rest areas; and (b) an identification of maintenance and operation activities necessary to ensure continuous operation of safety rest areas. By October 31, 2000, the stakeholder panel shall make recommendations to the house of representatives and senate transportation committees

and the office of financial management on the feasibility of instituting a pilot project for public-private partnerships or innovative financing of safety rest areas.

Sec. 216. 1999 sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Motor Vehicle Account--State Appropriation \$	((318,691,000))
	<u>141,569,000</u>
Motor Vehicle Account--Federal Appropriation \$	((284,587,000))
	<u>386,087,000</u>
Motor Vehicle Account--Private/Local Appropriation \$	((3,117,000))
	<u>4,117,000</u>
((Transportation Account)) Multimodal Transportation Account--State Appropriation \$	121,000
TOTAL APPROPRIATION \$	((606,516,000))
	<u>531,894,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((1))~~ The motor vehicle fund--state appropriation includes \$6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((2) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.)~~

Sec. 217. 1999 sp.s. c 1 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q

State Patrol Highway Account--State Appropriation \$	221,000
Motor Vehicle Account--State Appropriation \$	((37,085,000))
	<u>34,785,000</u>
Motor Vehicle Account--Federal Appropriation \$	1,662,000
Motor Vehicle Account--Private/Local Appropriation \$	122,000
TOTAL APPROPRIATION \$	((39,090,000))
	<u>36,790,000</u>

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial

vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account--state appropriation includes \$600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

Sec. 218. 1999 sp.s. c 1 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Puget Sound Capital Construction Account--State Appropriation \$	((4,464,000))
	<u>2,989,000</u>
Motor Vehicle Account--State Appropriation \$	((98,390,000))
	<u>84,062,000</u>
Motor Vehicle Account--Federal Appropriation \$	125,000
Puget Sound Ferry Operations Account--State Appropriation \$	((6,308,000))
	<u>6,353,000</u>
Transportation Account--State Appropriation \$	((1,517,000))
	<u>115,000</u>
<u>Multimodal Transportation Account--State Appropriation \$</u>	<u>1,402,000</u>
TOTAL APPROPRIATION \$	((110,804,000))
	<u>95,046,000</u>

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: ((~~\$586,000~~)) \$75,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

Sec. 219. 1999 sp.s. c 1 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation \$	((12,109,000))
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Motor Vehicle Account--Federal Appropriation \$	<u>10,109,000</u>
Transportation Account--State Appropriation \$	17,000,000
	((1,371,000))
	<u>328,000</u>
<u>Multimodal Transportation Account--State Appropriation \$</u>	<u>1,043,000</u>
TOTAL APPROPRIATION \$	((30,480,000))
	<u>28,480,000</u>

Sec. 220. 1999 sp.s. c 1 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT ((Transportation Account--State Appropriation \$	2,595,000))
<u>Motor Vehicle Account--State Appropriation \$</u>	<u>2,913,000</u>
Puget Sound Ferry Operations--State Appropriation \$	1,155,000
(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR Motor Vehicle Account--State Appropriation \$	907,000
(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES Motor Vehicle Account--State Appropriation \$	3,743,000
(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL Motor Vehicle Account--State Appropriation \$	((2,240,000))
(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION ((Transportation Account)) <u>Motor Vehicle Account--State Appropriation \$</u>	<u>1,990,000</u> ((12,039,000))
(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$	<u>11,539,000</u> ((3,462,000))
(7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES Motor Vehicle Account--State Appropriation \$	<u>3,262,000</u> 158,000
(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES	

Motor Vehicle Account--State Appropriation \$	90,000
(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE	
Motor Vehicle Account--State Appropriation \$	1,100,000
(10) FOR ARCHIVES AND RECORDS MANAGEMENT	
Motor Vehicle Account--State Appropriation \$	392,000
Sec. 221. 1999 sp.s. c 1 s 227 (uncodified) is amended to read as follows:	
FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION-- PROGRAM V	
High Capacity Transportation Account--State Appropriation \$	((3,701,000))
	<u>1,501,000</u>
Air Pollution Control Account--State Appropriation \$	((6,253,000))
	<u>1,313,000</u>
Transportation Account--State Appropriation \$	((7,187,000))
	<u>796,000</u>
Transportation Account--Federal Appropriation \$	((7,345,000))
	<u>358,000</u>
((Transportation Account--Private/Local Appropriation \$	405,000
Public Transportation Systems Account--State Appropriation \$	800,000))
<u>Multimodal Transportation Account--State Appropriation \$</u>	<u>5,955,000</u>
<u>Multimodal Transportation Account--Federal Appropriation \$</u>	<u>6,987,000</u>
<u>Multimodal Transportation Account--Private/Local Appropriation \$</u>	<u>105,000</u>
TOTAL APPROPRIATION \$	((24,391,000))
	<u>17,015,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After January 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the transportation account--state and the multimodal transportation account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) Up to ~~((750,000))~~ \$250,000 of the multimodal transportation account--state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium. ~~((The department may expend up to \$250,000 without a matching appropriation. The department's authority to expend more than that amount is conditioned upon the legislature authorizing a matching appropriation equal to the total expenditure of the amount provided in this subsection.~~

~~(2) \$50,000 of the public transportation systems account--state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.)~~

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to \$50,000 of the air pollution control account--state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

(5) \$4,900,000 of the transportation account--federal appropriation is provided solely for commute trip reduction programs administered by the department of transportation. These funds come from the TEA-21 congestion mitigation air quality program. ~~((The office of financial management shall place \$1,000,000 of the air pollution control account--state appropriation in reserve status.))~~

Sec. 222. 1999 sp.s. c 1 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES
CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State Appropriation \$	((140,135,000))
	<u>101,253,000</u>
Puget Sound Capital Construction Account--Federal Appropriation \$	((29,575,000))
	<u>42,466,000</u>
Passenger Ferry Account--State Appropriation \$	((789,000))
	<u>215,000</u>
Motor Vehicle Account--State Appropriation \$	((116,221,000))
	<u>17,282,000</u>
TOTAL APPROPRIATION \$	((286,720,000))
	<u>161,216,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version ((3)) 1. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

~~((4) The motor vehicle account--state appropriation includes \$110,729,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.~~

~~((5) The department shall structure the request for proposal for the purchase of passenger only ferries authorized under RCW 47.60.652 to include the purchase of a fifth back up ferry to support maintenance schedules, emergency service needs, and provide continuity of service on all passenger only ferry routes. The purchase of a fifth passenger only ferry is subject to subsequent legislative appropriation.))~~

Sec. 223. 1999 sp.s. c 1 s 229 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
Marine Operating Account--State Appropriation \$

((303,014,000))

Puget Sound Ferry Operations Account--State Appropriation \$

148,330,000

Multimodal Transportation Account--State Appropriation \$

137,451,000

5,092,000

TOTAL APPROPRIATION \$

290,873,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After May 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the marine operating account--state and the Puget Sound ferry operations account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) The appropriation is based on the budgeted expenditure of \$29,104,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

~~((2))~~ (3) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed ~~((205,640,000))~~ \$195,600,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount

prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

~~((3) Up to \$2,770,000 of the marine operating account state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing or testing new, passenger only service while testing alternative vessel technologies.))~~

(4) The department, when implementing ferry service reductions, shall, to the extent possible, maintain peak hour vehicle and passenger service capacity, summer tourist route capacity, and a fall/winter/spring presence on all auto ferry routes.

(5) The joint task force on ferries is created.

(a) The joint task force on ferries is composed of:

(i) Eight members of the legislature selected as follows:

(A) Four members of the senate, two from each of the major caucuses, to be appointed by the president of the senate, who shall select one of the four senate members as cochair;

(B) Four members of the house of representatives, two from each of the major caucuses, to be appointed by the cospeaker of the respective caucus. The cospeakers shall jointly select one of the four house members as cochair; and

(C) The members appointed from each major caucus of the senate and the house of representatives must include one member from a legislative district that encompasses a terminus of a Washington state ferry route and one from a legislative district that does not include a terminus of a Washington state ferry route;

(ii) At least one person designated by the cochairs representing each of the following:

(A) Ferry advisory committees;

(B) Persons who do not use ferries;

(C) Labor organizations representing ferry workers;

(D) Washington State Ferries;

(E) Transit operators;

(F) The office of financial management; and

(G) Other groups as deemed appropriate by the cochairs of the task force.

(b) The transportation committees shall provide staff support as mutually agreed by the cochairs of the joint task force.

(c) The legislative transportation committee shall pay the expenses of the legislative committee members.

(d) The joint task force on ferries shall report to the full legislature at the beginning of the 2001 legislative session. The report must include, but not be limited to, analysis and recommendations on the following:

(i) Establishment of a long-term goal for recovery of operating costs from fare revenue;

(ii) Options for further cuts in ferry service or full or partial restoration of ferry service cuts;

(iii) Feasibility of full or partial privatization of the ferry system, public-private partnerships, or state and local partnerships; and

(iv) Establishing the short-term and long-term capital needs of the Washington state ferry system.

(6) As authorized by RCW 43.135.055(1), the legislature grants prior approval to the commission to increase Washington state ferry tariffs in excess of the fiscal growth factor established under chapter 43.135 RCW in fiscal year 2001.

Sec. 224. 1999 sp.s. c 1 s 230 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y
Essential Rail Assistance Account--State Appropriation \$

High Capacity Transportation Account--State Appropriation \$	85,000
	((15,094,000))
Transportation Account--State Appropriation \$	<u>10,794,000</u>
	((95,915,000))
Transportation Account--Federal Appropriation \$	<u>7,030,000</u>
	((10,000,000))
((Public Transportation Systems Account--State Appropriation \$	<u>12,000</u>
5,000,000))	
Multimodal Transportation Account--State Appropriation \$	<u>49,065,000</u>
Multimodal Transportation Account--Federal Appropriation \$	<u>9,988,000</u>
TOTAL APPROPRIATION \$	((126,094,000))
	<u>76,974,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After January 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the transportation account--state and the multimodal transportation account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.

~~((2) \$2,000,000 of the transportation account--state appropriation and \$4,000,000))~~ (3) \$3,000,000 of the multimodal transportation account--state appropriation and \$1,000,000 of the high capacity transportation account--state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.

~~((3) \$3,000,000 of the high capacity transportation account--state appropriation is provided solely for acquisition of up to six rail passenger cars to add capacity to existing advanced technology train sets operating in Washington state--))~~

(4) ~~((6,298,000))~~ \$2,798,000 of the high capacity transportation account--state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia, through June 30, 2000. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.

(5) ~~((10,000,000 of the transportation account--state appropriation and \$5,000,000 of the public transportation systems account--state appropriation are))~~ \$15,000,000 of the multimodal transportation account--state appropriation is provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other

participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.

(6) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.

(7) \$5,000,000 of the multimodal transportation account--federal appropriation is provided from TEA-21 surface transportation program enhancement funds is provided solely for restoration of and improvements to the King street station.

(8) \$500,000 of the multimodal transportation account--state appropriation is provided solely for use towards implementation of a program to purchase refrigerated express railcars, to be known as the George Sellar express railcars, that may be leased for the purpose of hauling express shipments, including but not limited to Washington produce, to market.

(a) Subject to (b) of this subsection, the department is authorized to incur a federal railroad rehabilitation and improvement financing loan of up to \$10,000,000 for program implementation, to be repaid with revenues generated from the program.

(b) As a precondition to purchasing refrigerated express railcars, the department shall conduct a feasibility study. If satisfied with the feasibility study results, the transportation commission may direct the department to proceed with a program for the purchase of refrigerated express railcars.

(c) Any revenues derived from the program must be placed in a separate account and used strictly for: The repayment of debt, including the risk insurance premium; ongoing maintenance of assets; and reserves for the express railcar program.

(d) The department shall make semiannual progress reports to the senate transportation committee, the house of representatives transportation committee, and the office of financial management until December 31, 2001, and annual progress reports thereafter.

(9) \$100,000 of the multimodal transportation account--state appropriation is provided solely for the department of transportation in conjunction with the utilities and transportation commission and the Spokane regional transportation council to study and make recommendations on issues related to railroad rights of way in the Spokane valley. A status report shall be provided to the transportation committees of the house of representatives and the senate by December 1, 2000.

Sec. 225. 1999 sp.s. c 1 s 231 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Account--State Appropriation \$	((129,886,000))
	<u>13,283,000</u>
Motor Vehicle Account--Federal Appropriation \$	8,040,000
Transportation Account--State Appropriation \$	((10,767,000))
	<u>187,000</u>
((Transportation Infrastructure Account--State Appropriation \$	3,250,000
Transportation Infrastructure Account--Private/Local Appropriation \$	1,750,000))
High Capacity Transportation Account--State Appropriation \$	150,000
Highway Infrastructure Account--Federal Appropriation \$	1,500,000
Highway Infrastructure Account--State Appropriation \$	234,000
<u>Multimodal Transportation Account--State Appropriation \$</u>	<u>53,007,000</u>
TOTAL APPROPRIATION \$	

((155,577,000))

76,401,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$300,000 of the transportation account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

(2) ~~((85,121,000 of the motor vehicle))~~ \$42,492,000 of the multimodal transportation account--state appropriation ((is)) and \$3,108,000 of the motor vehicle account--state appropriation are provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(3) ~~((400,000))~~ \$187,000 of the transportation account--state appropriation ((is)) and \$213,000 of the multimodal transportation account--state appropriation are provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(4) ~~((The motor vehicle account--state appropriation includes \$105,121,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.~~

~~((5))~~ \$10,000,000 of the multimodal transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

~~((6))~~ (5) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((7))~~ \$5,000,000 of the motor vehicle account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's TransAid division. The

~~department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.~~

~~(8) \$20,000,000 of the motor vehicle account state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's TransAid division. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties, regional transportation planning organizations, and the transportation improvement board. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systemic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.~~

~~(9) \$5,000,000 of the motor vehicle account state appropriation is provided solely for improving traffic and pedestrian safety near schools. The TransAid division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.~~

~~(10)) (6) The ((TransAid)) highways and local programs division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.~~

~~((11) Up to \$100,000 of the motor vehicle account state appropriation is provided solely for audits of city and county transportation funding to determine whether any city or county has supplanted its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of representatives transportation committee, and the office of financial management by December 31, 2000.~~

~~(12) \$5,000,000)) (7) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.~~

PART III TRANSPORTATION AGENCIES CAPITAL FACILITIES

Sec. 301. 1999 sp.s. c 1 s 303 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation \$

((26,147,000))

15,231,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tumwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW

43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999. Up to \$100,000 of the motor vehicle account--state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The analysis must be completed by January 31, 2000.

(2) The department of transportation is authorized to enter into a financing contract using certificate of participation in the amount of \$14,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire and remodel a regional complex in the department's southwest region.

**PART IV
TRANSFERS AND DISTRIBUTIONS**

Sec. 401. 1999 sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation \$	((184,810,000))
	<u>161,310,000</u>
Ferry Bond Retirement Account Appropriation \$	((53,353,000))
	<u>53,592,000</u>
Transportation Improvement Board Bond Retirement Account--State Appropriation \$	((35,158,000))
	<u>35,909,000</u>
Puget Sound Capital Construction Account--State Appropriation \$	270,000
Motor Vehicle Account--State Appropriation \$	((6,543,000))
	<u>2,424,000</u>
Special Category C Account--State Appropriation \$	405,000
TOTAL APPROPRIATION \$	((280,539,000))
	<u>253,910,000</u>

Sec. 402. 1999 sp.s. c 1 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$	((36,000))
	<u>137,000</u>

Motor Vehicle Account--State Appropriation \$	((811,000))
	<u>729,000</u>
Special Category C Account Appropriation \$	((53,000))
	<u>205,000</u>
TOTAL APPROPRIATION \$	((900,000))
	<u>1,071,000</u>

Sec. 403. 1999 sp.s. c 1 s 403 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

(1) Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$	492,721,000
(2) Transportation Fund Appropriation for motor vehicle excise tax distribution \$	491,606,000
(3) <u>Multimodal Transportation Account--State Appropriation for Transit Distributions:</u> <u>Transit Equalization Account--State \$</u>	<u>3,429,000</u>
<u>Transit Distribution Account--State \$</u>	<u>49,109,000</u>
(4) <u>Transportation Fund--State Appropriation for Passenger Ferry Account--State \$</u>	<u>353,000</u>
(5) <u>Transportation Fund--State Appropriation for High Capacity Transportation Account--State \$</u>	<u>7,594,000</u>
(6) <u>Transportation Fund--State Appropriation for equalization distribution to Public Transportation Account--State \$</u>	<u>6,704,000</u>
(7) <u>Motor Vehicle Fund--State Appropriation for motor vehicle fuel tax distribution to cities and counties \$</u>	<u>483,325,000</u>
(8) <u>Motor Vehicle Fund--State Appropriation for license, permit, and fee distributions \$</u>	<u>263,824,000</u>
(9) <u>Multimodal Transportation Account--State Appropriation for public transportation distributions \$</u>	<u>3,234,000</u>

Sec. 404. 1999 sp.s. c 1 s 407 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--TRANSFERS

(1) RV Account--State Appropriation: For transfer to the Motor Vehicle Fund--State \$	1,590,000
(2) Transportation Account--State Appropriation: For transfer to the Transportation Infrastructure Account--State \$	5,000,000
(3) <u>State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$</u>	<u>27,000,000</u>
(4) <u>Highway Safety Fund--State Appropriation:</u>	

<u>For transfer to the Multimodal Transportation Account--State \$</u>	<u>7,620,000</u>
<u>(5) Puget Sound Operating Account--State Appropriation: For transfer to the Marine Operating Account--State \$</u>	<u>1,400,000</u>
<u>(6) Public Transportation Systems Account--State Appropriation: For transfer to the Multimodal Transportation Account--State \$</u>	<u>25,156,000</u>
<u>(7) Transportation Fund--State Appropriation: For transfer to the Multimodal Transportation Account--State \$</u>	<u>32,582,000</u>
<u>(8) Transportation Fund--State Appropriation: For transfer to the attorney general's office, department of personnel \$</u>	<u>4,000</u>
<u>(9) Transportation Fund--State Appropriation: For transfer to the Public Transportation Fund--State \$</u>	<u>161,956</u>
<u>(10) Multimodal Fund--State Appropriation: For transfer to the High Capacity Transportation Account--State \$</u>	<u>146,000</u>
<u>(11) Transportation Fund--State Appropriation: For transfer to the Public Transportation Systems Account--State \$</u>	<u>6,442,000</u>

~~((The department of transportation shall only transfer funds provided under this subsection on an as-needed basis.))~~

NEW SECTION. Sec. 405. A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

Puget Sound Ferry Operations Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State \$

65,020,000

Multimodal Transportation Account--State Appropriation: For transfer to the King Street Station Facility Account \$

2,279,000

(1) The department of transportation shall only transfer funds to the Puget Sound capital construction account--state as provided under this subsection on an as-needed basis.

(2) If House Bill No. 3102 is not enacted in the form passed by the legislature the multimodal transportation account--state appropriation for transfer to the King street station facility account shall lapse.

NEW SECTION. Sec. 406. A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS. The balance remaining at the close of the 1999 calendar year in the transportation account shall be transferred to the multimodal transportation account--state.

NEW SECTION. Sec. 407. A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS. The balance remaining at the close of the 2000 fiscal year in the marine operating account--state shall be transferred to the Puget Sound ferry operations account--state.

PART VI
PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

NEW SECTION. **Sec. 601.** A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

DONATIONS OF EMPLOYEE LEAVE. During the 1999-2001 fiscal biennium, a state employee may, consistent with the provisions of RCW 41.04.665(3), donate leave to the existing leave balances of an employee who dies in the line of duty between February 1, 2000, and June 30, 2001. The value of the donated leave will be included in the deceased employee's final compensation, but is not compensation earnable for the purposes of chapter 41.40 RCW. The agency head shall determine the total amount of leave that may be donated under this section. The Washington personnel resources board may adopt rules, in consultation with the office of financial management, as it deems necessary for the implementation of this temporary benefit.

NEW SECTION. **Sec. 602.** The following bills, as identified by bill number, in the form passed by the legislature are necessary to implement portions of this act: House Bill Nos. 2788, 2917, 2866, 3074, 3102, 3135, and 3136.

NEW SECTION. **Sec. 603.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 604.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 1999 sp.s. c 1 ss 1, 103, 105, 203, 204, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 303, 401, 402, 403, and 407 (uncodified); adding new sections to 1999 sp.s. c 1 (uncodified); creating a new section; making appropriations; and declaring an emergency."

Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Ericksen, Republican Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Fortunato; Haigh; Hatfield; Hurst; Lovick; McDonald; Mielke; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Ericksen, Hankins, Buck, G. Chandler, DeBolt, Fortunato, Haigh, Hatfield, Hurst, Lovick, McDonald, Mielke, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner, Wood and Woods.

March 22, 2000

E2SSB 6856 Prime Sponsor, Committee on Transportation: Revising transportation funding. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 1999 sp.s. c 1 s 1 (uncodified) is amended to read as follows:

(1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary

to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(f) "Provided for" means the agency may apportion the specified amount among identified uses as the director or secretary deems most prudent.

(g) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

~~((g))~~ (h) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

~~((h))~~ (i) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(j) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

PART I GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 101. 1999 sp.s. c 1 s 103 (uncodified) is amended to read as follows:
FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Grade Crossing Protective Account--State Appropriation \$

~~((111,000))~~

222,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((4))~~ The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

~~((3) The appropriation in this section is for the fiscal year ending June 30, 2000.)~~

GENERAL GOVERNMENT AGENCIES--CAPITAL

Sec. 102. 1999 sp.s. c 1 s 105 (uncodified) is amended to read as follows:
FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS
 Motor Vehicle Account--State Appropriation \$

~~((2,690,000))~~

1,115,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) ~~((900,000))~~ \$345,000 is a reappropriation provided to complete the ~~((Cama Beach project and the))~~ Damon point project funded in section 110, chapter 457, Laws of 1997. ~~((The projects shall be completed by June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.))~~

(2) ~~((1,790,000))~~ \$770,000 is a one-time appropriation provided solely for the ~~((following projects, apportioned as follows:~~

~~(a) Ike Kinswa State Park, \$100,000 to commission a hydrology and geology study for the park road drainage system and a traffic study of the intersection of the park entrance roads with SR 122;~~

~~(b) Mt. Spokane State Park, \$1,300,000;~~

~~(c) Beacon Rock State Park, \$300,000; and~~

~~(d) Cama Beach State Park, \$90,000.~~

~~These projects shall be completed by June 30, 2001))~~ design phase of the Mt. Spokane State Park project. Project status reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

PART II TRANSPORTATION AGENCIES

Sec. 201. 1999 sp.s. c 1 s 203 (uncodified) is amended to read as follows:
FOR THE COUNTY ROAD ADMINISTRATION BOARD
 Rural Arterial Trust Account--State Appropriation \$

~~((72,510,000))~~

60,510,000

Motor Vehicle Account--State Appropriation \$

~~((9,546,000))~~

1,546,000

Motor Vehicle Account--Private/Local
 Appropriation \$

376,000

County Arterial Preservation Account--State Appropriation \$

28,612,000

TOTAL APPROPRIATION \$

~~((111,044,000))~~

91,044,000

~~((The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$8,000,000 of the motor vehicle account state appropriation is provided solely for projects on the freight and goods systems on county roads.))~~

Sec. 202. 1999 sp.s. c 1 s 204 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION IMPROVEMENT BOARD
 Urban Arterial Trust Account--State Appropriation \$

Transportation Improvement Account--State Appropriation \$	104,508,000
	((99,414,000))
Public Transportation Systems Account--State Appropriation \$	<u>149,414,000</u>
	((33,496,000))
Multimodal Transportation Account--State Appropriation \$	<u>4,532,000</u>
	<u>11,977,000</u>
TOTAL APPROPRIATION \$	((237,418,000))
	<u>270,431,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ~~((To the extent practicable, the board shall give preference, for amounts which would otherwise be granted to cities, to those projects which complement projects funded under the county corridor congestion relief program contained in section 231(8) of this act.))~~

(1) The transportation improvement account--state appropriation includes \$60,000,000 in proceeds from the sale of bonds, \$30,000,000 authorized by RCW 47.26.500, and \$30,000,000 authorized by House Bill No. 2788. If House Bill No. 2788 is not enacted in the form passed by the legislature \$30,000,000 of the amount provided in this subsection shall lapse.

(2) The multimodal transportation account--state appropriation includes \$2,279,000 for renovation of the King street station. If House Bill No. 3102 is enacted in the form passed by the legislature, this amount shall lapse.

(3) During the next project prioritization cycle for surface transportation program enhancement funds, the transportation improvement board will give preference to projects that will promote economic development or revitalization, promote increased tourism, and enhance the knowledge of Washington's unique historic transportation systems.

Sec. 203. 1999 sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

~~((Transportation Account--State Appropriation))~~

Motor Vehicle Account--State Appropriation \$

~~((807,000))~~

767,000

Sec. 204. 1999 sp.s. c 1 s 210 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

~~((Transportation))~~ Motor Vehicle Account--State Appropriation \$

~~((600,000))~~

550,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The freight mobility strategic investment board is authorized to revise the criteria for selecting and ranking freight mobility projects, to be applied during the next call for projects. The original portfolio of projects submitted by the board to the legislature in December of 1999 shall not be impacted by any revisions to the criteria.

(2) The legislature recognizes that the freight mobility strategic investment board has submitted projects meeting the geographic allocation requirements of RCW 47.06A.050, even though some of the projects ultimately will be funded with regionally-allocated federal funds.

Sec. 205. 1999 sp.s. c 1 s 211 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU
State Patrol Highway Account--State Appropriation \$

((154,538,000))

154,388,000

State Patrol Highway Account--Federal Appropriation \$

6,153,000

State Patrol Highway Account--Private/Local Appropriation \$

169,000

TOTAL APPROPRIATION \$

((160,860,000))

160,710,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~(1) ((The following amounts are provided solely for administration of the field operations group subprogram: \$120,372,000 of the state patrol highway account state appropriation; \$2,854,000 of the state patrol highway account federal appropriation; and \$83,000 of the state patrol highway account private/local appropriation.~~

~~(2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: \$26,367,000 of the state patrol highway account state appropriation; \$3,299,000 of the state patrol highway account federal appropriation; and \$86,000 of the state patrol highway account private/local appropriation.~~

~~(3) \$7,799,000 of the state patrol highway account state appropriation is provided solely for the administration of the traffic investigation division subprogram.~~

~~(4) \$1,137,000 of the state patrol highway account state appropriation is provided solely for the license fraud task force to begin on July 1, 1999. Positions funded are one sergeant/detective, three Washington state patrol detectives, and one clerical support person, for administrative support for the task force as a whole. \$115,400 of this amount is for reimbursement to the department of revenue and \$228,315 of this amount is for reimbursement to the attorney general's office. If Senate Bill No. 5706 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse. Any funds provided in this subsection not used to implement Senate Bill No. 5706 as enacted by the legislature shall revert at the end of the 1999-01 biennium.~~

~~(5)) \$1,435,000 of the state patrol highway account--state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.~~

~~((6)) (2) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000. The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.~~

Sec. 206. 1999 sp.s. c 1 s 212 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU
State Patrol Highway Account--State Appropriation \$

((67,015,000))

State Patrol Highway Account--Federal Appropriation \$	<u>66,143,000</u>
	104,000
State Patrol Highway Account--Private/Local Appropriation \$	743,000
TOTAL APPROPRIATION \$	((67,862,000))
	<u>66,990,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account--state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

Sec. 207. 1999 sp.s. c 1 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$

	<u>3,000</u>
Motorcycle Safety Education Account--State Appropriation \$	((118,000))
	<u>102,000</u>
Wildlife Account--State Appropriation \$	((50,000))
	<u>80,000</u>
Highway Safety Account--State Appropriation \$	((6,578,000))
	<u>7,218,000</u>
Motor Vehicle Account--State Appropriation \$	((4,571,000))
	<u>4,093,000</u>
<u>DOL Services Account--State Appropriation \$</u>	<u>123,000</u>
TOTAL APPROPRIATION \$	((11,317,000))
	<u>11,619,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$17,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6264 enacted in the form passed by the legislature.

Sec. 208. 1999 sp.s. c 1 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

Marine Fuel Tax Refund Account--State Appropriation \$

2,000

Motorcycle Safety Education Account--State Appropriation \$	((102,000))
	<u>44,000</u>
Wildlife Account--State Appropriation \$	((46,000))
	<u>32,000</u>
Highway Safety Account--State Appropriation \$	((5,725,000))
	<u>6,149,000</u>
Motor Vehicle Account--State Appropriation \$	((3,651,000))
	<u>3,018,000</u>
<u>DOL Services Account--State Appropriation \$</u>	<u>292,000</u>
TOTAL APPROPRIATION \$	((9,524,000))
	<u>9,537,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$745,000 of the highway safety fund--state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

Sec. 209. 1999 sp.s. c 1 s 215 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES
 Marine Fuel Tax Refund Account--State Appropriation \$

	26,000
Wildlife Account--State Appropriation \$	556,000
Motor Vehicle Account--State Appropriation \$	((56,137,000))
	<u>53,869,000</u>
DOL Services Account--State Appropriation \$	2,907,000
TOTAL APPROPRIATION \$	((59,626,000))
	<u>57,358,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

((4)) (1) \$300,000 of the motor vehicle account--state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

((5)) (2) \$15,000 of the motor vehicle account--state appropriation is provided solely to implement House Bill No. 2201 enacted in the form passed by the legislature.

Sec. 210. 1999 sp.s. c 1 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation \$

1,960,000

Highway Safety Account--State Appropriation \$

~~((78,075,000))~~

77,986,000

TOTAL APPROPRIATION \$

~~((80,035,000))~~

79,946,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By January 1, 2001, the department of licensing shall provide a progress report to the governor and the house of representatives and senate transportation committees on the driver history initiative project.

(2) \$2,880,000 of the highway safety account--state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized in Title 46 RCW.

~~((2))~~ (3) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(4) \$17,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(5) \$130,000 of the highway safety fund--state appropriation is provided solely to implement House Bill No. 2259 enacted in the form passed by the legislature. If House Bill No. 2259 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) ~~((34,000))~~ \$10,000 of the highway safety fund--state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

~~((8) \$329,000))~~ (7) \$289,000 of the highway safety account--state appropriation is provided solely to implement Senate Bill No. 5399 enacted as passed by the legislature.

(8) \$125,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6264 enacted in the form passed by the legislature.

Sec. 211. 1999 sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation \$

~~((44,508,000))~~

45,508,000

Motor Vehicle Account--Federal Appropriation \$

400,000

TOTAL APPROPRIATION \$

~~((44,908,000))~~

45,908,000

Sec. 212. 1999 sp.s. c 1 s 218 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F
 Aeronautics Account--State Appropriation \$

~~((4,010,000))~~

5,047,000

Aircraft Search and Rescue Safety and Education Account--State Appropriation \$

159,000

~~((Transportation Account--State Appropriation \$~~

~~247,000))~~

TOTAL APPROPRIATION \$

~~((4,416,000))~~

5,206,000

Sec. 213. 1999 sp.s. c 1 s 219 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I
 Motor Vehicle Account--State Appropriation \$

~~((630,010,000))~~

458,599,000

Motor Vehicle Account--Federal Appropriation \$

~~((234,939,000))~~

241,866,000

Motor Vehicle Account--Private/Local Appropriation \$

~~((43,344,000))~~

50,364,000

~~((High Capacity Transportation Account--State Appropriation \$~~

~~110,000))~~

Special Category C Account--State Appropriation \$

55,220,000

~~((Transportation Account--State Appropriation \$~~

~~197,284,000~~

~~Transportation Account--Federal Appropriation \$~~

~~56,808,000))~~

Puyallup Tribal Settlement Account--State Appropriation \$

8,662,000

~~((Transportation Infrastructure Account--State Appropriation \$~~

~~1,750,000~~

~~Transportation Infrastructure Account--Private/Local Appropriation \$~~

~~1,750,000))~~

Multimodal Transportation Account--State Appropriation \$

4,880,000

Multimodal Transportation Account--Federal Appropriation \$

1,275,000

Multimodal Transportation Account--Private/Local Appropriation \$

1,106,000

TOTAL APPROPRIATION \$

((1,229,877,000))

821,972,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account--state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

~~(4) ((The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery-~~

~~(5)))~~ (5) The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation. The project shall no longer receive a portion of its funding from the economic development account.

~~(((6) \$34,920,000 of the motor vehicle account--state appropriation))~~ (5) \$4,880,000 of the multimodal transportation account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

~~(((7)))~~ (6) The motor vehicle account--state appropriation includes ~~(\$469,779,000))~~ \$132,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~(((8) \$500,000 of the motor vehicle account--state appropriation is provided solely for analysis and design of congestion solutions at the intersections of the South Lake Union/Mercer corridor with Interstate 5 and SR 99. The amount provided in this subsection shall be expended on the state's portion of the project. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating \$500,000 or more toward design and analysis for the local street portion of the project.~~

~~(9) \$10,000,000))~~ (7)(a) \$50,000,000 of the motor vehicle account--state appropriation ~~((and \$40,000,000 of the transportation account--state appropriation are))~~ is provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(b) The \$50,000,000 provided in (a) of this subsection includes \$5,527,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma

narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW.

~~((11))~~ (8) \$5,800,000 of the motor vehicle account--state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites ~~((an))~~ and weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

~~((12))~~ (9) \$485,000 of the motor vehicle account--state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

~~((13))~~ (10) \$800,000 of the motor vehicle account--state appropriation ~~((is))~~ and \$3,000,000 of the motor vehicle account--federal appropriation are provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

~~((14) \$500,000)~~ (11) \$1,166,000 of the motor vehicle fund--state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. ~~((The department of transportation and the city of Renton shall develop a proposal that includes a funding plan for the interchange that specifies the partner's share of the cost. The department and the city shall report to the legislative transportation committees by December 1, 1999.))~~ This amount shall be placed into a reserve status until such time as a one-third contribution is made by the city of Renton and a one-third contribution is made by the project developer. If the city and developer contributions are not obtained by October 31, 2000, this amount shall lapse.

Sec. 214. 1999 sp.s. c 1 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K

~~((Transportation Account--State Appropriation \$~~

1,212,000))

Motor Vehicle Account--State Appropriation \$

~~((10,162,000))~~

TOTAL APPROPRIATION \$

5,847,000

~~((11,374,000))~~

5,847,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The motor vehicle fund--state appropriation includes ~~((10,162,000))~~ \$4,635,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

Sec. 215. 1999 sp.s. c 1 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation \$

~~((251,426,000))~~

Motor Vehicle Account--Federal Appropriation \$	233,327,000
	((887,000))
Motor Vehicle Account--Private/Local Appropriation \$	486,000
	3,417,000
TOTAL APPROPRIATION \$	((255,730,000))
	237,230,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall not close any highway rest areas but shall continue to operate and maintain all existing rest areas. The department shall convene a panel of stakeholders to evaluate innovative financing options and partnership opportunities at safety rest areas on state highways. At a minimum, the evaluation shall include: (a) A survey of relevant laws that impact the state's ability to create public-private partnerships or utilize innovative financing techniques for the maintenance and operation of safety rest areas; and (b) an identification of maintenance and operation activities necessary to ensure continuous operation of safety rest areas. By October 31, 2000, the stakeholder panel shall make recommendations to the house of representatives and senate transportation committees and the office of financial management on the feasibility of instituting a pilot project for public-private partnerships or innovative financing of safety rest areas.

Sec. 216. 1999 sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Motor Vehicle Account--State Appropriation \$	((318,691,000))
	141,569,000
Motor Vehicle Account--Federal Appropriation \$	((284,587,000))
	386,087,000
Motor Vehicle Account--Private/Local Appropriation \$	((3,117,000))
	4,117,000
((Transportation Account)) Multimodal Transportation Account--State Appropriation \$	121,000
TOTAL APPROPRIATION \$	((606,516,000))
	531,894,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((1))~~ The motor vehicle fund--state appropriation includes \$6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((2) The motor vehicle account--federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.)~~

Sec. 217. 1999 sp.s. c 1 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q
State Patrol Highway Account--State Appropriation \$

Motor Vehicle Account--State Appropriation \$	221,000
	((37,085,000))
	<u>34,785,000</u>
Motor Vehicle Account--Federal Appropriation \$	1,662,000
Motor Vehicle Account--Private/Local Appropriation \$	122,000
TOTAL APPROPRIATION \$	((39,090,000))
	<u>36,790,000</u>

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account--state appropriation includes \$600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

Sec. 218. 1999 sp.s. c 1 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Puget Sound Capital Construction Account--State Appropriation \$	((4,464,000))
	<u>2,989,000</u>
Motor Vehicle Account--State Appropriation \$	((98,390,000))
	<u>84,062,000</u>
Motor Vehicle Account--Federal Appropriation \$	125,000
Puget Sound Ferry Operations Account--State Appropriation \$	

	((6,308,000))
	<u>6,353,000</u>
Transportation Account--State Appropriation \$	((1,517,000))
	<u>115,000</u>
<u>Multimodal Transportation Account--State Appropriation \$</u>	<u>1,402,000</u>
TOTAL APPROPRIATION \$	((110,804,000))
	<u>95,046,000</u>

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: ((~~\$586,000~~) \$75,000 of the motor vehicle account--state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

Sec. 219. 1999 sp.s. c 1 s 225 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING,
DATA, AND RESEARCH--PROGRAM T**
Motor Vehicle Account--State Appropriation \$

	((12,109,000))
	<u>10,109,000</u>
Motor Vehicle Account--Federal Appropriation \$	17,000,000
Transportation Account--State Appropriation \$	((1,371,000))
	<u>328,000</u>
<u>Multimodal Transportation Account--State Appropriation \$</u>	<u>1,043,000</u>
TOTAL APPROPRIATION \$	((30,480,000))
	<u>28,480,000</u>

Sec. 220. 1999 sp.s. c 1 s 226 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--
PROGRAM U**
(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT
((~~Transportation Account--State Appropriation \$~~)

	<u>2,595,000</u>)
<u>Motor Vehicle Account--State Appropriation \$</u>	<u>2,913,000</u>
Puget Sound Ferry Operations--State Appropriation \$	1,155,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR Motor Vehicle Account--State Appropriation \$	907,000
(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES Motor Vehicle Account--State Appropriation \$	3,743,000
(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL Motor Vehicle Account--State Appropriation \$	((2,240,000))
(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION ((Transportation Account)) Motor Vehicle Account--State Appropriation \$	<u>1,990,000</u> ((12,039,000))
(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$	<u>11,539,000</u> ((3,462,000))
(7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES Motor Vehicle Account--State Appropriation \$	<u>3,262,000</u> 158,000
(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES Motor Vehicle Account--State Appropriation \$	90,000
(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE Motor Vehicle Account--State Appropriation \$	1,100,000
(10) FOR ARCHIVES AND RECORDS MANAGEMENT Motor Vehicle Account--State Appropriation \$	392,000
 Sec. 221. 1999 sp.s. c 1 s 227 (uncodified) is amended to read as follows: FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION-- PROGRAM V	
High Capacity Transportation Account--State Appropriation \$	((3,701,000))
Air Pollution Control Account--State Appropriation \$	<u>1,501,000</u> ((6,253,000))
Transportation Account--State Appropriation \$	<u>1,313,000</u> ((7,187,000))

Transportation Account--Federal Appropriation \$	796,000
	((7,345,000))
((Transportation Account--Private/Local Appropriation \$	<u>358,000</u>
Public Transportation Systems Account--State Appropriation \$	405,000
	800,000))
<u>Multimodal Transportation Account--State Appropriation \$</u>	<u>5,955,000</u>
<u>Multimodal Transportation Account--Federal Appropriation \$</u>	<u>6,987,000</u>
<u>Multimodal Transportation Account--Private/Local Appropriation \$</u>	<u>105,000</u>
TOTAL APPROPRIATION \$	((24,391,000))
	<u>17,015,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After January 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the transportation account--state and the multimodal transportation account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

~~(2) Up to ((\$750,000)) \$250,000 of the multimodal transportation account--state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium. ((The department may expend up to \$250,000 without a matching appropriation. The department's authority to expend more than that amount is conditioned upon the legislature authorizing a matching appropriation equal to the total expenditure of the amount provided in this subsection.~~

~~(2) \$50,000 of the public transportation systems account--state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.-))~~

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to \$50,000 of the air pollution control account--state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

(5) \$4,900,000 of the transportation account--federal appropriation is provided solely for commute trip reduction programs administered by the department of transportation. These funds come from the TEA-21 congestion mitigation air quality program. ~~((The office of financial management shall place \$1,000,000 of the air pollution control account--state appropriation in reserve status.-))~~

Sec. 222. 1999 sp.s. c 1 s 228 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES
CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State Appropriation \$	((140,135,000))
	<u>101,253,000</u>
Puget Sound Capital Construction Account--Federal Appropriation \$	((29,575,000))
	<u>42,466,000</u>
Passenger Ferry Account--State Appropriation \$	((789,000))
	<u>215,000</u>
Motor Vehicle Account--State Appropriation \$	((116,221,000))
	<u>17,282,000</u>
TOTAL APPROPRIATION \$	((286,720,000))
	<u>161,216,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version ((3)) 1. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

~~((4) The motor vehicle account--state appropriation includes \$110,729,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.~~

~~(5) The department shall structure the request for proposal for the purchase of passenger only ferries authorized under RCW 47.60.652 to include the purchase of a fifth back-up ferry to support maintenance schedules, emergency service needs, and provide continuity of service on all passenger-only ferry routes. The purchase of a fifth passenger only ferry is subject to subsequent legislative appropriation.)~~

Sec. 223. 1999 sp.s. c 1 s 229 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
Marine Operating Account--State Appropriation \$

((303,014,000))

<u>Puget Sound Ferry Operations Account--State Appropriation \$</u>	<u>148,330,000</u>
<u>Multimodal Transportation Account--State Appropriation \$</u>	<u>137,451,000</u>
	<u>5,092,000</u>
<u>TOTAL APPROPRIATION \$</u>	<u>290,873,000</u>

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After May 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the marine operating account--state and the Puget Sound ferry operations account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) The appropriation is based on the budgeted expenditure of \$29,104,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

~~((2))~~ (3) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed ~~((205,640,000))~~ \$195,600,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

~~((3) Up to \$2,770,000 of the marine operating account--state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing, or testing new, passenger only service while testing alternative vessel technologies.-))~~

(4) The department, when implementing ferry service reductions, shall, to the extent possible, maintain peak hour vehicle and passenger service capacity, summer tourist route capacity, and a fall/winter/spring presence on all auto ferry routes.

(5) The joint task force on ferries is created.

(a) The joint task force on ferries is composed of:

(i) Eight members of the legislature selected as follows:

(A) Four members of the senate, two from each of the major caucuses, to be appointed by the president of the senate, who shall select one of the four senate members as cochair;

(B) Four members of the house of representatives, two from each of the major caucuses, to be appointed by the cospeaker of the respective caucus. The cospeakers shall jointly select one of the four house members as cochair; and

(C) The members appointed from each major caucus of the senate and the house of representatives must include one member from a legislative district that encompasses a terminus of a Washington state ferry route and one from a legislative district that does not include a terminus of a Washington state ferry route;

- (ii) At least one person designated by the cochairs representing each of the following:
- (A) Ferry advisory committees;
 - (B) Persons who do not use ferries;
 - (C) Labor organizations representing ferry workers;
 - (D) Washington State Ferries;
 - (E) Transit operators;
 - (F) The office of financial management; and
 - (G) Other groups as deemed appropriate by the cochairs of the task force.
- (b) The transportation committees shall provide staff support as mutually agreed by the cochairs of the joint task force.
- (c) The legislative transportation committee shall pay the expenses of the legislative committee members.
- (d) The joint task force on ferries shall report to the full legislature at the beginning of the 2001 legislative session. The report must include, but not be limited to, analysis and recommendations on the following:
- (i) Establishment of a long-term goal for recovery of operating costs from fare revenue;
 - (ii) Options for further cuts in ferry service or full or partial restoration of ferry service cuts;
 - (iii) Feasibility of full or partial privatization of the ferry system, public-private partnerships, or state and local partnerships; and
 - (iv) Establishing the short-term and long-term capital needs of the Washington state ferry system.
- (6) As authorized by RCW 43.135.055(1), the legislature grants prior approval to the commission to increase Washington state ferry tariffs in excess of the fiscal growth factor established under chapter 43.135 RCW in fiscal year 2001.

Sec. 224. 1999 sp.s. c 1 s 230 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y
 Essential Rail Assistance Account--State Appropriation \$

	85,000
High Capacity Transportation Account--State Appropriation \$	((15,094,000))
	10,794,000
Transportation Account--State Appropriation \$	((95,915,000))
	7,030,000
Transportation Account--Federal Appropriation \$	((10,000,000))
	12,000
((Public Transportation Systems Account--State Appropriation \$	5,000,000))
Multimodal Transportation Account--State Appropriation \$	49,065,000
Multimodal Transportation Account--Federal Appropriation \$	9,988,000
TOTAL APPROPRIATION \$	((126,094,000))
	76,974,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Appropriations in this section shall initially be allotted as appropriated by this section. Subsequent allotment modifications shall not permit moneys that are provided solely for a specified purpose to be used for other than that purpose. After January 1, 2000, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer appropriations between the transportation account--state and the multimodal transportation account--state appropriations. However, the program shall not expend more than the total amount appropriated from these accounts.

(2) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.

~~((2) \$2,000,000 of the transportation account--state appropriation and \$4,000,000)) (3) \$3,000,000 of the multimodal transportation account--state appropriation and \$1,000,000 of the high capacity transportation account--state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.~~

~~((3) \$3,000,000 of the high capacity transportation account--state appropriation is provided solely for acquisition of up to six rail passenger cars to add capacity to existing advanced technology train sets operating in Washington state--))~~

(4) ((6,298,000)) \$2,798,000 of the high capacity transportation account--state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia, through June 30, 2000. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.

(5) ((\$10,000,000 of the transportation account--state appropriation and \$5,000,000 of the public transportation systems account--state appropriation are)) \$15,000,000 of the multimodal transportation account--state appropriation is provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.

(6) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.

(7) \$5,000,000 of the multimodal transportation account--federal appropriation is provided from TEA-21 surface transportation program enhancement funds is provided solely for restoration of and improvements to the King street station.

(8) \$500,000 of the multimodal transportation account--state appropriation is provided solely for use towards implementation of a program to purchase refrigerated express railcars, to be known as the George Sellar express railcars, that may be leased for the purpose of hauling express shipments, including but not limited to Washington produce, to market.

(a) Subject to (b) of this subsection, the department is authorized to incur a federal railroad rehabilitation and improvement financing loan of up to \$10,000,000 for program implementation, to be repaid with revenues generated from the program.

(b) As a precondition to purchasing refrigerated express railcars, the department shall conduct a feasibility study. If satisfied with the feasibility study results, the transportation commission may direct the department to proceed with a program for the purchase of refrigerated express railcars.

(c) Any revenues derived from the program must be placed in a separate account and used strictly for: The repayment of debt, including the risk insurance premium; ongoing maintenance of assets; and reserves for the express railcar program.

(d) The department shall make semiannual progress reports to the senate transportation committee, the house of representatives transportation committee, and the office of financial management until December 31, 2001, and annual progress reports thereafter.

(9) \$100,000 of the multimodal transportation account--state appropriation is provided solely for the department of transportation in conjunction with the utilities and transportation commission and the Spokane regional transportation council to study and make recommendations on issues related to

railroad rights of way in the Spokane valley. A status report shall be provided to the transportation committees of the house of representatives and the senate by December 1, 2000.

Sec. 225. 1999 sp.s. c 1 s 231 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Account--State Appropriation \$	((129,886,000))
	<u>13,283,000</u>
Motor Vehicle Account--Federal Appropriation \$	8,040,000
Transportation Account--State Appropriation \$	((10,767,000))
	<u>187,000</u>
((Transportation Infrastructure Account--State Appropriation \$	<u>3,250,000</u>
Transportation Infrastructure Account--Private/Local Appropriation \$	<u>1,750,000))</u>
High Capacity Transportation Account--State Appropriation \$	150,000
Highway Infrastructure Account--Federal Appropriation \$	1,500,000
Highway Infrastructure Account--State Appropriation \$	234,000
<u>Multimodal Transportation Account--State Appropriation \$</u>	<u>53,007,000</u>
TOTAL APPROPRIATION \$	((155,577,000))
	<u>76,401,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$300,000 of the transportation account--state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes. The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

~~(2) ((\$85,121,000 of the motor vehicle))~~ \$42,492,000 of the multimodal transportation account--state appropriation ((is)) and \$3,108,000 of the motor vehicle account--state appropriation are provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

~~(3) ((\$400,000))~~ \$187,000 of the transportation account--state appropriation ((is)) and \$213,000 of the multimodal transportation account--state appropriation are provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund--state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

~~(4) ((The motor vehicle account--state appropriation includes \$105,121,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.~~

~~(5))~~ \$10,000,000 of the multimodal transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

~~((6))~~ (5) The motor vehicle account--state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((7) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's TransAid division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.~~

~~(8) \$20,000,000 of the motor vehicle account--state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's TransAid division. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties, regional transportation planning organizations, and the transportation improvement board. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systemic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.~~

~~(9) \$5,000,000 of the motor vehicle account--state appropriation is provided solely for improving traffic and pedestrian safety near schools. The TransAid division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.~~

~~(10))~~ (6) The ~~((TransAid))~~ highways and local programs division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

~~((11) Up to \$100,000 of the motor vehicle account--state appropriation is provided solely for audits of city and county transportation funding to determine whether any city or county has supplanted~~

~~its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of representatives transportation committee, and the office of financial management by December 31, 2000.~~

(12) ~~(\$5,000,000)~~ (7) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office.

PART III TRANSPORTATION AGENCIES CAPITAL FACILITIES

Sec. 301. 1999 sp.s. c 1 s 303 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation \$

((26,147,000))

15,231,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tumwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW 43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999. Up to \$100,000 of the motor vehicle account--state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The analysis must be completed by January 31, 2000.

(2) The department of transportation is authorized to enter into a financing contract using certificate of participation in the amount of \$14,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire and remodel a regional complex in the department's southwest region.

PART IV TRANSFERS AND DISTRIBUTIONS

Sec. 401. 1999 sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation \$

((184,810,000))

161,310,000

Ferry Bond Retirement Account Appropriation \$

	((53,353,000))
	<u>53,592,000</u>
Transportation Improvement Board Bond Retirement Account--State Appropriation \$	((35,158,000))
	<u>35,909,000</u>
Puget Sound Capital Construction Account--State Appropriation \$	270,000
Motor Vehicle Account--State Appropriation \$	((6,543,000))
	<u>2,424,000</u>
Special Category C Account--State Appropriation \$	405,000
TOTAL APPROPRIATION \$	((280,539,000))
	<u>253,910,000</u>

Sec. 402. 1999 sp.s. c 1 s 402 (uncodified) is amended to read as follows:
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING
BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND
FISCAL AGENT CHARGES**

Motor Vehicle Fund--Puget Sound Capital Construction Account Appropriation \$	((36,000))
	<u>137,000</u>
Motor Vehicle Account--State Appropriation \$	((811,000))
	<u>729,000</u>
Special Category C Account Appropriation \$	((53,000))
	<u>205,000</u>
TOTAL APPROPRIATION \$	((900,000))
	<u>1,071,000</u>

Sec. 403. 1999 sp.s. c 1 s 403 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

(1) Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution \$	492,721,000
(2) Transportation Fund Appropriation for motor vehicle excise tax distribution \$	491,606,000
(3) <u>Multimodal Transportation Account--State Appropriation for Transit Distributions:</u> <u>Transit Equalization Account--State \$</u>	<u>3,429,000</u>

<u>Transit Distribution Account--State \$</u>	49,109,000
<u>(4) Transportation Fund--State Appropriation for Passenger Ferry Account--State \$</u>	353,000
<u>(5) Transportation Fund--State Appropriation for High Capacity Trans Acct--State \$</u>	7,594,000
<u>(6) Transportation Fund--State Appropriation for equalization distribution to Public Transportation Account--State \$</u>	6,704,000
<u>(7) Motor Vehicle Fund--State Appropriation for motor vehicle fuel tax distribution to cities and counties \$</u>	483,325,000
<u>(8) Motor Vehicle Fund--State App for license, permit, and fee distributions \$</u>	263,824,000
<u>(9) Multimodal Transportation Account--State Appropriation for public transportation distributions \$</u>	3,234,000
Sec. 404. 1999 sp.s. c 1 s 407 (uncodified) is amended to read as follows: FOR THE STATE TREASURER--TRANSFERS	
<u>(1) RV Account--State Appropriation:</u> For transfer to the Motor Vehicle Fund--State \$	1,590,000
<u>(2) Transportation Account--State Appropriation:</u> For transfer to the Transportation Infrastructure Account--State \$	5,000,000
<u>(3) State Patrol Highway Account--State Appropriation:</u> For transfer to the Motor Vehicle Account--State \$	27,000,000
<u>(4) Highway Safety Fund--State Appropriation:</u> For transfer to the Multimodal Transportation Account--State \$	7,620,000
<u>(5) Puget Sound Operating Account--State Appropriation:</u> For transfer to the Marine Operating Account--State \$	1,400,000
<u>(6) Public Transportation Systems Account--State Appropriation:</u> For transfer to the Multimodal Transportation Account--State \$	25,156,000
<u>(7) Transportation Fund--State Appropriation:</u> For transfer to the Multimodal Transportation Account--State \$	32,582,000
<u>(8) Transportation Fund--State Appropriation:</u> For transfer to the attorney general's office, department of personnel \$	4,000
<u>(9) Transportation Fund--State Appropriation:</u> For transfer to the Public Transportation Fund--State \$	161,956
<u>(10) Multimodal Fund--State Appropriation:</u> For transfer to the High Capacity Transportation Account--State \$	146,000
<u>(11) Transportation Fund--State Appropriation:</u> For transfer to the Public Transportation Systems Account--State \$	6,442,000

~~((The department of transportation shall only transfer funds provided under this subsection on an as-needed basis.))~~

NEW SECTION. Sec. 405. A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

Puget Sound Ferry Operations Account--State Appropriation:
For transfer to the Puget Sound Capital Construction Account--State \$ 65,020,000

Multimodal Transportation Account--State Appropriation:
For transfer to the King Street Station Facility Account \$ 2,279,000

(1) The department of transportation shall only transfer funds to the Puget Sound capital construction account--state as provided under this subsection on an as-needed basis.

(2) If House Bill No. 3102 is not enacted in the form passed by the legislature the multimodal transportation account--state appropriation for transfer to the King street station facility account shall lapse.

NEW SECTION. Sec. 406. A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS. The balance remaining at the close of the 1999 calendar year in the transportation account shall be transferred to the multimodal transportation account--state.

NEW SECTION. Sec. 407. A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS. The balance remaining at the close of the 2000 fiscal year in the marine operating account--state shall be transferred to the Puget Sound ferry operations account--state.

**PART VI
PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

NEW SECTION. Sec. 601. A new section is added to 1999 sp.s. c 1 (uncodified) to read as follows:

DONATIONS OF EMPLOYEE LEAVE. During the 1999-2001 fiscal biennium, a state employee may, consistent with the provisions of RCW 41.04.665(3), donate leave to the existing leave balances of an employee who dies in the line of duty between February 1, 2000, and June 30, 2001. The value of the donated leave will be included in the deceased employee's final compensation, but is not compensation earnable for the purposes of chapter 41.40 RCW. The agency head shall determine the total amount of leave that may be donated under this section. The Washington personnel resources board may adopt rules, in consultation with the office of financial management, as it deems necessary for the implementation of this temporary benefit.

NEW SECTION. Sec. 602. The following bills, as identified by bill number, in the form passed by the legislature are necessary to implement portions of this act: House Bill Nos. 2788, 2917, 2866, 3074, 3102, 3135, and 3136.

NEW SECTION. Sec. 603. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 604.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 1999 sp.s. c 1 ss 1, 103, 105, 203, 204, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 303, 401, 402, 403, and 407 (uncodified); adding new sections to 1999 sp.s. c 1 (uncodified); creating a new section; making appropriations; and declaring an emergency."

Signed by Representatives Fisher, Democratic Co-Chair; Mitchell, Republican Co-Chair; Cooper, Democratic 1st Vice Chair; Edwards, Democratic 2nd Vice Chair; Hankins, Republican Vice Chair; Buck; G. Chandler; DeBolt; Haigh; Hatfield; Hurst; Lovick; McDonald; Morris; Murray; Ogden; Pflug; Radcliff; Romero; Schindler; Schual-Berke; Scott; Skinner; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Republican Vice Chair; Fortunato and Mielke.

Voting yea: Representatives Fisher, Mitchell, Cooper, Edwards, Hankins, Buck, G. Chandler, DeBolt, Haigh, Hatfield, Hurst, Lovick, McDonald, Morris, Murray, Ogden, Pflug, Radcliff, Romero, Schindler, Schual-Berke, Scott, Skinner, Wood and Woods.

Voting nay: Representatives Ericksen, Fortunato and Mielke.

There being no objection, the following bills listed on the day's committee reports under the fifth order of business were referred to the Second Reading calendar:

HOUSE BILL NO. 3166,

HOUSE BILL NO. 3167,

HOUSE BILL NO. 3168,

HOUSE BILL NO. 3169,

HOUSE BILL NO. 3170,

HOUSE BILL NO. 3171,

SECOND SUBSTITUTE SENATE BILL NO. 6404,

SECOND SUBSTITUTE SENATE BILL NO. 6499,

SECOND SUBSTITUTE SENATE BILL NO. 6856,

Speaker Ballard assumed the chair.

SECOND READING

SENATE BILL NO. 6865, by Senators Loveland, Snyder, Eide, Franklin, McCaslin, Horn, Bauer, T. Sheldon, McAuliffe, Hargrove, Zarelli, Shin, Hale, Swecker, Long, Winsley, Haugen, Gardner, Deccio, Rossi, Patterson, Costa, Rasmussen, Roach, Goings, Benton, Johnson, Honeyford, Stevens, Oke and West

Replacing vehicle excise taxes with a fixed license fee.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Thomas, Pennington, Morris, Clements and Rockefeller spoke in favor of passage of the bill.

Representative McIntire spoke against passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 6865.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6865 and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama, Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Rockefeller, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 85.

Voting nay: Representatives Cody, Dickerson, Edmonds, Fisher, Kagi, Kenney, McIntire, Murray, Regala, Romero, Santos, Tokuda and Veloria - 13.

Senate Bill No. 6865, having received the constitutional majority, was declared passed.

Speaker Ballard called upon Speaker Chopp to preside.

MOTION FOR RECONSIDERATION

Representative H. Sommers, having voted on the prevailing side, moved that the rules be suspended, and that the House immediately reconsider the vote on Senate Bill No. 6865. The motion was carried.

RECONSIDERATION

Speaker Chopp stated the question before the House to be final passage of Senate Bill No. 6865 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6865 on reconsideration and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kastama,

Keiser, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Rockefeller, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 84.

Voting nay: Representatives Cody, Dickerson, Edmonds, Fisher, Kagi, Kenney, McIntire, Murray, Regala, Romero, Santos, H. Sommers, Tokuda and Veloria - 14.

Senate Bill No. 6865, on reconsideration having received the constitutional majority, was declared passed.

HOUSE BILL NO. 3170, by Representatives H. Sommers, Huff, Scott, Mulliken, Doumit, Mielke, Grant, Carrell, Linville, Ericksen, Edwards, Barlean, Fisher, Campbell, Dunshee, D. Schmidt, Haigh, Koster, Hurst, Sump, Conway, Alexander, Dickerson, McIntire, Schual-Berke, Santos, Buck, Rockefeller, Schoesler, Kastama, Keiser, Romero, Cairnes, Regala, Fortunato, Carlson, McDonald, Hatfield, Kessler, Ruderman, Ogden, Cooper, Wood, Miloscia, O'Brien, Anderson, Wolfe, Lovick, Lantz, Veloria, Stensen, Benson, Woods, Lisk, Skinner, Talcott, Ballasiotes, Hankins, Pennington, Thomas and Esser

Providing financial assistance to local governments.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 13th Special Legislative Day, March 22, 2000.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Sommers, Huff, Wensman, Edwards, Mulliken and Doumit spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 3170.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3170, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed House Bill No. 3170, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 3169, by Representatives Barlean, Doumit, Huff, H. Sommers, D. Schmidt, Ruderman, Hankins, Edmonds, Alexander, Kenney, Schindler, Miloscia, Tokuda, Quall, Lantz, Linville, Fortunato, Boldt, Fisher, Edwards, Constantine, Romero, Scott, Keiser, Schual-Berke, McIntire, Kastama, Hatfield, Carlson, McDonald, Kessler, Ogden, Dunshee, Cooper, Wood, Regala, O'Brien, Stensen, Anderson, Wolfe, Morris, Veloria, Benson, Hurst, Rockefeller, Sullivan, Woods, Lisk, Parlette, Campbell, Talcott, Ballasiotes and Thomas

Strengthening the state expenditure limit and providing for timely deposits to the education construction fund.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barlean, Doumit, Huff, Keiser, Alexander, Rockefeller, Hankins, Dunshee and Cox spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 3169.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3169 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives Koster, Mielke and Pennington - 3.

House Bill No. 3169, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 3171, by Representatives Quall, Talcott, H. Sommers, Huff, Rockefeller, Woods, Schual-Berke, Alexander, Haigh, Schindler, Keiser, Boldt, Stensen, Mielke, Santos, Bush, Linville, McDonald, Hurst, Hankins, Conway, Kessler, Kastama, Ruderman, Edwards, Scott, Dunshee, Constantine, Romero, Mulliken, Carlson, Sump, Wensman, Esser, Dunn, Van Luven, Skinner, G. Chandler, Ballasiotes, Radcliff, Thomas, Ogden, Cody, Barlean, Cooper, Wood, Regala, Miloscia, O'Brien, Anderson, Wolfe, Lovick, Lantz, Tokuda, Morris, Dickerson, Veloria, Fisher, Benson, Sullivan, Lisk, Parlette, Campbell, Fortunato, D. Schmidt, Clements, Buck, Pennington and Mastin

Improving funding for education.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriation was adopted. (For committee amendment(s), see Journal, 13th Special Legislative Day, March 22, 2000.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Talcott, Haigh, Huff, Benson, Schual-Berke, Pennington and Keiser spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 3171.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3171, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed House Bill No. 3171, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6404, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland and Rossi; by request of Governor Locke

Making supplemental operating appropriations.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 13th Special Legislative Day, March 22, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives H. Sommers, Huff, Quall, Clements, Keiser, Carlson, Kenney, Schoesler, Dickerson, Talcott, Alexander, Murray, Dunn, Linville and Gombosky spoke in favor of passage of the bill.

Representatives Cody and Conway spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Second Substitute Senate Bill No. 6404, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6404, as amended by the House, and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cooper, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Huff, Hurst, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Van Luven, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 85.

Voting nay: Representatives Campbell, Cody, Constantine, Conway, Dickerson, Hatfield, Kagi, Koster, Poulsen, Romero, Santos, Tokuda and Veloria - 13.

Second Substitute Senate Bill No. 6404, as amended by the House, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Huff: "Thank you, Mr. Speaker for this opportunity. I want to thank my co-chair for getting to this point. You can't get to this point without a great caucus on both sides of the aisle, wonderful chairmen who worked very hard with us putting the budget together and our co-Speakers. But primarily I wish to thank the unsung heroes -- the OPR committee staff. I would like to bring them out to the floor so the Chamber can acknowledge their hard work and devotion. I would also like to thank our caucus staff who have also put in the long hours that have gone into creating this budget. Thank you."

HOUSE BILL NO. 3166, by Representatives Thomas, Dunshee, Woods, Rockefeller, Carrell, Conway, Delvin, Linville, Crouse, Fisher, McDonald, Edwards, Huff, Romero, Mulliken, Constantine, Pennington, Keiser, Scott, Reardon, Quall, Morris, Clements, Fortunato, Carlson, Sump, Wensman, Esser, Dunn, Van Luven, Anderson, Cooper, Gombosky, Kenney, Kastama, Lantz, Ogden, Ruderman, Stensen, Hurst, Lambert, G. Chandler, Ballasiotes, Radcliff, Talcott, Haigh, Kessler, Grant, Cody, Barlean, Schoesler, Mielke, Wood, Schual-Berke, Regala, Miloscia, Edmonds, O'Brien, Wolfe, Lovick, Dickerson, Veloria, Benson, Sullivan, Alexander, Lisk, Pflug, Parlette, Koster, Campbell, Hankins and D. Schmidt

Providing a five hundred dollar credit against state property taxes for senior citizens and disabled persons.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Thomas, Kastama and Schual-Berke spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 3166.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3166 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Bill No. 3166, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 3167, by Representatives Dunshee, Thomas, O'Brien, Pennington, Wood, McDonald, Edmonds, Pflug, Miloscia, B. Chandler, Anderson, Mulliken, Stensen, Esser, Hurst, Alexander, Haigh, Benson, Cody, Koster, Dickerson, Conway, Huff, Cooper, Parlette, Linville, Campbell, Keiser, Constantine, Ericksen, Romero, Talcott, Kastama, Lambert, Ogden, Ruderman, Barlean, Morris, Clements, Fortunato, Carrell, Carlson, Sump, Wensman, Dunn, Van Luven, Gombosky, Scott, Lantz, Edwards, Reardon, Skinner, G. Chandler, Ballasiotes, Radcliff, Grant, Mielke, Regala, Wolfe, Lovick, Veloria, Fisher, Rockefeller, Sullivan, Woods, Lisk, Hankins, D. Schmidt and Kessler

Providing a two hundred dollar credit against state property taxes for persons sixty-four years of age or older.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Thomas, Pennington, Campbell, Hatfield, Miloscia and Morris spoke in favor of passage of the bill.

Representatives McIntire and Santos spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of House Bill No. 3167.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3167 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,

Lisk, Lovick, Mastin, McDonald, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 95.

Voting nay: Representatives McIntire, Murray and Santos - 3.

House Bill No. 3167, having received the constitutional majority, was declared passed.

Speaker Chopp called upon Speaker Ballard to preside.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856, by Senate Committee on Transportation (originally sponsored by Senators Goings, Gardner, Haugen, Prentice and Jacobsen)

Revising transportation funding.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 13th Special Legislative Day, March 22, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 6856, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6856, as amended by the House, and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carlson, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 84.

Voting nay: Representatives Alexander, Campbell, Carrell, Crouse, DeBolt, Esser, Fortunato, Koster, Lambert, Mielke, Pennington, Pflug, Schindler and Van Luven - 14.

Engrossed Second Substitute Senate Bill No. 6856, as amended by the House, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2788, by Representatives Fisher, Mitchell, Radcliff, Scott and Hurst; by request of Transportation Improvement Board

Funding transportation projects.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 2788.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2788 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Bill No. 2788, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 3168, by Representatives Huff, H. Sommers, Mitchell, Fisher, Hankins, Haigh, Woods, Kenney, D. Schmidt, Murray, Alexander, Edmonds, Miloscia, Schindler, Schual-Berke, Anderson, Stensen, Dickerson, McIntire, Rockefeller, Linville, Kessler, Ogden, Cody, Barlean, Scott, Keiser, Cooper, Edwards, O'Brien, Lovick, Lantz, Morris, Benson, Sullivan, Talcott, Ballasiotes and Esser

Providing funding for transportation and ferry purposes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff and H. Sommers spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of House Bill No. 3168.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3168 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville,

Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

House Bill No. 3168, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6499, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Goings, Gardner and Patterson; by request of Governor Locke)

Funding transportation.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 13th Special Legislative Day, March 22, 2000.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher, Mitchell, Cooper, DeBolt, Dunn, Haigh, Ericksen, Ogden, Huff, Hurst, Woods, Morris, Radcliff, Parlette, Schindler, Miloscia and Hankins spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute Senate Bill No. 6499, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6499, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Second Substitute Senate Bill No. 6499, as amended by the House, having received the constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3128, by House Committee on Finance (originally sponsored by Representatives Thomas, Dunshee and Santos; by request of Department of Revenue)

Authorizing the governor to enter into cooperative agreements concerning the sales of cigarettes.

Representatives Thomas, Dunshee, Kastama and Huff spoke in favor of passage of the bill.

COLLOQUY

Representative Dunshee: "It is the understanding of this body that the bill before us represents a compact between the state of Washington and four tribes. It is not intended that the taxation level become a precedent for other compacts between the state and other tribes. Is this your understanding?"

Representative Thomas: "Yes. This compact is a model for further agreements, but is not intended to be a precedent for agreements with other tribes."

Speaker Ballard stated the question before the House to be final passage of Engrossed Substitute House Bill No. 3128.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3128 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed Substitute House Bill No. 3128, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended, the Rules Committee was relieved of Second Substitute House Bill No. 2738, and the bill was placed on the Third Reading calendar.

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 2738, by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Clements, Romero and Miloscia)

Giving the office of financial management oversight over state agency personal service contracting practices.

Representatives Dickerson and Clements spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Substitute House Bill No. 2738.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2738 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Second Substitute House Bill No. 2738, having received the constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., Thursday, March 23, 2000, the 14th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

THIRTEENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 22,
2000

JOURNAL OF THE HOUSE

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FOURTEENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Thursday, March 23, 2000

The House was called to order at 9:55 a.m. by Speaker Ballard.

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

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

There being no objection, the House adjourned until 9:55 a.m., Friday, March 24, 2000, the 15th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FOURTEENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 23,
2000

JOURNAL OF THE HOUSE

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FIFTEENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Friday, March 24, 2000

The House was called to order at 9:55 a.m. by the Speaker (Representative Bill Grant presiding).

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

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

There being no objection, the House adjourned until 9:55 a.m., Monday, March 27, 2000, the 18th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIFTEENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 24, 2000

JOURNAL OF THE HOUSE

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EIGHTEENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Monday, March 27, 2000

The House was called to order at 9:55 a.m. by Speaker Ballard.

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

MESSAGE FROM THE SENATE

March 23, 2000

Mr. Speaker:

The President has signed SENATE BILL NO. 6865,
and the same is herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKERS

The Speakers signed:

SENATE BILL NO. 6865,

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

There being no objection, the House adjourned until 9:55 a.m., Wednesday, March 29, 2000, the 20th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

EIGHTEENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 27,
2000

JOURNAL OF THE HOUSE

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TWENTIETH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Wednesday, March 29, 2000

The House was called to order at 9:55 a.m. by Speaker Chopp.

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

MESSAGE FROM THE SENATE

March 28, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6080,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6088,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

There being no objection, the House adjourned until 9:55 a.m., Friday, March 31, 2000, the 22nd Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWENTIETH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 29,
2000

JOURNAL OF THE HOUSE

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**TWENTY SECOND DAY -- FIRST SPECIAL LEGISLATIVE
SESSION**

MORNING SESSION

House Chamber, Olympia, Friday, March 31, 2000

The House was called to order at 9:55 a.m. by the Speaker (Representative Schoesler presiding).

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

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

There being no objection, the House adjourned until 9:55 a.m., Monday, April 3, 2000, the 25th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWENTY DAY -- FIRST SPECIAL LEGISLATIVE SESSION, MARCH 31, 2000

JOURNAL OF THE HOUSE

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TWENTY FIFTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Monday, April 3, 2000

The House was called to order at 9:55 a.m. by Speaker Chopp.

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

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

There being no objection, the House adjourned until 9:55 a.m., Wednesday, April 5, 2000, the 27th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWENTY FIFTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, APRIL 3,
2000

JOURNAL OF THE HOUSE

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TWENTY SEVENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Wednesday, April 5, 2000

The House was called to order at 9:55 a.m. by the Speaker (Representative Huff presiding).

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

Speaker Ballard assumed the chair.

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

There being no objection, the House adjourned until 9:55 a.m., Friday, April 7, 2000, the 29th Legislative Day of the First Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWENTY SEVENTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, APRIL 5, 2000

JOURNAL OF THE HOUSE

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**TWENTY NINTH DAY -- FIRST SPECIAL LEGISLATIVE
SESSION**

MORNING SESSION

House Chamber, Olympia, Friday, April 7, 2000

The House was called to order at 9:55 a.m. by Speaker Chopp

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

INTRODUCTIONS AND FIRST READING

HB 3172 by Representatives Koster, Thomas and Mielke

AN ACT Relating to limiting taxes and fees; adding new sections to chapter 43.135 RCW; and creating a new section.

Referred to Committee on Finance.

HB 3173 by Representatives Reardon, Pennington and Dunshee; by request of Department of Revenue

AN ACT Relating to excise tax treatment of linen and uniform supply services; amending RCW 82.14.020; adding a new section to chapter 82.08 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HJR 4223 by Representatives Thomas, Cairnes, Talcott, Sump, Wensman, Ericksen, Pflug, Schindler, Delvin, Lisk, Mastin, DeBolt, McDonald, B. Chandler, Mielke, D. Sommers, Pennington, Boldt, Barlean, Esser, Ballasiotes, G. Chandler, Huff, Clements, Buck, Carrell, Lambert, Campbell, Woods, Fortunato, D. Schmidt, Mulliken, Benson and Morris

Amending the Constitution to require voter approval of tax increases.

Referred to Committee on Finance.

HCR 4441 by Representatives Kessler and Lisk

Adjourning Sine Die.

HCR 4442 by Representatives Kessler and Lisk

Returning bills, resolutions, and memorials to the house of origin.

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

There being no objection, the rules were suspended and House Joint Resolution No. 4442 was placed on Second Reading and read in full.

There being no objection, the rules were suspended and House Joint Resolution No. 4441 was placed on Second Reading and read in full.

There being no objection, the rules were suspended and House Joint Resolution No. 4442 was placed on Third Reading and adopted.

There being no objection, the rules were suspended and House Joint Resolution No. 4441 was placed on Third Reading and adopted.

MESSAGES FROM THE SENATE

April 7, 2000

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4441,
and the same is herewith transmitted.

Tony M. Cook, Secretary

April 7, 2000

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4442,
and the same is herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKERS

The Speakers signed:

HOUSE CONCURRENT RESOLUTION NO. 4441,

HOUSE CONCURRENT RESOLUTION NO. 4442,

There being no objection, reading of the Journal of the Twenty Ninth Day of the First Special Session was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 7, 2000

Mr. Speaker:

The President has signed HOUSE CONCURRENT RESOLUTION NO. 4441,
and the same is herewith transmitted.

Tony M. Cook, Secretary

April 7, 2000

Mr. Speaker:

The President has signed HOUSE CONCURRENT RESOLUTION NO. 4442,
and the same is herewith transmitted.

Tony M. Cook, Secretary

SENATE BILLS RETURNED TO THE SENATE

Under the provisions of House Concurrent Resolution No. 4442, the following Senate Bills
were returned to the Secretary of the Senate:

SUBSTITUTE SENATE BILL NO. 6062,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6080,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6088,
ENGROSSED SENATE BILL NO. 6368,
ENGROSSED SENATE BILL NO. 6402,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6513,
SUBSTITUTE SENATE BILL NO. 6845,
SENATE JOINT RESOLUTION NO. 8212,

MESSAGE FROM THE SENATE

April 7, 2000

Mr. Speaker:

Under the provisions of House Concurrent Resolution No. 4442, the following House Bills
were returned to the House of Representatives:

SECOND SUBSTITUTE HOUSE BILL NO. 2738,
HOUSE BILL NO. 2788,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3128,

HOUSE BILL NO. 3166,

HOUSE BILL NO. 3167,

HOUSE BILL NO. 3168,

HOUSE BILL NO. 3169,

ENGROSSED HOUSE BILL NO. 3170,

ENGROSSED HOUSE BILL NO. 3171,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

There being no objection, the House adjourned SINE DIE.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

TWENTY NINTH DAY -- FIRST SPECIAL LEGISLATIVE SESSION, APRIL 7,
2000

JOURNAL OF THE HOUSE

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FIRST DAY -- SECOND SPECIAL LEGISLATIVE SESSION

AFTERNOON SESSION

House Chamber, Olympia, Monday, April 24, 2000

The House was called to order at 1:00 p.m.m. by Speaker Ballard. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sue Frans and Sonia Rohilia. The Speaker led the chamber in the Pledge of Allegiance. Prayer was offered by Representative Linda Parlette.

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2000 regular session on March 9, 2000, the 60th day of the session; and

WHEREAS, the Legislature adjourned its first 2000 special session on April 7, 2000, the 29th day of the special session; and

WHEREAS, supplemental operating, transportation and capital budgets for the state, and measures necessary to implement them, were not passed in either the regular or first special session; and

NOW, THEREFORE, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at one o'clock p.m. on Monday, April 24, 2000 for a period of not more than one week for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 21st day of April, A.D., two thousand.

Gary Locke
Governor of Washington

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

There being no objection, the House adjourned until 10:00 a.m., Tuesday, April 25, 2000, the 2nd Legislative Day of the Second Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FIRST DAY -- SECOND SPECIAL LEGISLATIVE SESSION, APRIL 24, 2000

JOURNAL OF THE HOUSE

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SECOND DAY -- SECOND SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Tuesday, April 25, 2000

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jennifer Joly and Joseph Williams. Prayer was offered by Representative Phyllis Kenney.

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

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

There being no objection, the House adjourned until 10:00 a.m., Wednesday, April 26, 2000, the 3rd Legislative Day of the Second Special Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

SECOND DAY -- SECOND SPECIAL LEGISLATIVE SESSION, APRIL 25, 2000

JOURNAL OF THE HOUSE

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THIRD DAY -- SECOND SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Wednesday, April 26, 2000

The House was called to order at 10:00 a.m. by Speaker Ballard.

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jamie Daniels and Mary Fleckenstein. Prayer was offered by Representative Jim Clements.

INTRODUCTIONS AND FIRST READING

HB 3174 by Representative Sullivan

AN ACT Relating to public health care districts; amending RCW 70.47.060, 73.08.080, 70.44.003, 70.44.007, 70.44.010, 70.44.015, 70.44.016, 70.44.020, 70.44.028, 70.44.030, 70.44.035, 70.44.040, 70.44.041, 70.44.042, 70.44.053, 70.44.056, 70.44.059, 70.44.060, 70.44.070, 70.44.080, 70.44.090, 70.44.140, 70.44.171, 70.44.185, 70.44.190, 70.44.200, 70.44.210, 70.44.220, 70.44.230, 70.44.235, 70.44.240, 70.44.260, 70.44.300, 70.44.310, 70.44.315, 70.44.320, 70.44.350, 70.44.380, 70.44.400, 70.44.450, 70.44.460, 84.52.010, 84.52.052, 84.52.069, and 39.36.020; adding a new section to chapter 70.44 RCW; adding a new section to chapter 48.62 RCW; and creating a new section.

Referred to Committee on Health Care.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the rules were suspended and the Rules Committee was relieved of House Bill No. 2788 and House Bill No. 3169, and the bills were placed on the Third Reading calendar for the next working day.

There being no objection, the rules were suspended and the Committee on Appropriations was relieved of House Bill No. 2487, and the bill was placed on the Second Reading calendar for the next working day.

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

There being no objection, the House adjourned until 9:00 a.m., Thursday, April 27, 2000, the 4th Legislative Day of the Second Special Legislative Session.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

THIRD DAY -- SECOND SPECIAL LEGISLATIVE SESSION, APRIL 26, 2000

JOURNAL OF THE HOUSE

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FOURTH DAY — SECOND SPECIAL LEGISLATIVE SESSION

MORNING SESSION

House Chamber, Olympia, Thursday, April 27, 2000

The House was called to order at 9:00 a.m. by Speaker Chopp. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Megan Walsh and Krista Winters. Prayer was offered by Representative Ed Murray.

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

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

THIRD READING

HOUSE BILL NO. 3169, by Representatives Barlean, Doumit, Huff, H. Sommers, D. Schmidt, Ruderman, Hankins, Edmonds, Alexander, Kenney, Schindler, Miloscia, Tokuda, Quall, Lantz, Linville, Fortunato, Boldt, Fisher, Edwards, Constantine, Romero, Scott, Keiser, Schual-Berke, McIntire, Kastama, Hatfield, Carlson, McDonald, Kessler, Ogden, Dunshee, Cooper, Wood, Regala, O'Brien, Stensen, Anderson, Wolfe, Morris, Veloria, Benson, Hurst, Rockefeller, Sullivan, Woods, Lisk, Parlette, Campbell, Talcott, Ballasiotes and Thomas

Strengthening the state expenditure limit and providing for timely deposits to the education construction fund.

There being no objection, the rules were suspended and House Bill No. 3169 was returned to Second Reading for purpose of amendment.

HOUSE BILL NO. 2788, by Representatives Fisher, Mitchell, Radcliff, Scott and Hurst; by request of Transportation Improvement Board

Funding transportation projects.

There being no objection, the rules were suspended and House Bill No. 2788 was returned to Second Reading for purpose of amendment.

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

SECOND READING

HOUSE BILL NO. 3169, by Representatives Barlean, Doumit, Huff, H. Sommers, D. Schmidt, Ruderman, Hankins, Edmonds, Alexander, Kenney, Schindler, Miloscia, Tokuda, Quall, Lantz, Linville, Fortunato, Boldt, Fisher, Edwards, Constantine, Romero, Scott, Keiser, Schual-Berke, McIntire, Kastama, Hatfield, Carlson, McDonald, Kessler, Ogden, Dunshee, Cooper, Wood, Regala, O'Brien, Stensen, Anderson, Wolfe, Morris, Veloria, Benson, Hurst, Rockefeller, Sullivan, Woods, Lisk, Parlette, Campbell, Talcott, Ballasiotes and Thomas

Strengthening the state expenditure limit and providing for timely deposits to the education construction fund.

Representative H. Sommers moved the adoption of the following amendment (710):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.135.025 and 1994 c 2 s 2 are each amended to read as follows:

(1) The state shall not expend from the general fund during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.

(2) Except pursuant to a declaration of emergency under RCW 43.135.035 or pursuant to an appropriation under RCW 43.135.045(4)(b), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300.

(3) The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.

(4) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 1995, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund, not including federal funds, for the fiscal year beginning July 1, 1989, plus the fiscal growth factor. This calculation is then computed for the state expenditure limit for fiscal years 1992, 1993, 1994, and 1995, and as required under RCW 43.135.035(4).

(5) A state expenditure limit committee is established for the purpose of determining and adjusting the state expenditure limit as provided in this chapter. The members of the state expenditure limit committee are the director of financial management, the attorney general or the attorney general's designee, and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. All actions of the state expenditure limit committee taken pursuant to this chapter require an affirmative vote of at least three members.

(6) Each November, the ~~((office of financial management))~~ state expenditure limit committee shall adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in the fiscal growth factor and then project an expenditure limit for the next two fiscal years. ~~((The office of financial management shall notify the legislative fiscal committees of all adjustments to the state expenditure limit and projections of future expenditure limits.))~~ If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit adjustment and projected expenditure limit as provided in subsection (5) of this section, the attorney general or his or her designee shall adjust or project the expenditure limit, as necessary.

~~((6))~~ (7) "Fiscal growth factor" means the average of the sum of inflation and population change for each of the prior three fiscal years.

~~((7))~~ (8) "Inflation" means the percentage change in the implicit price deflator for the United States for each fiscal year as published by the federal bureau of labor statistics.

~~((8))~~ (9) "Population change" means the percentage change in state population for each fiscal year as reported by the office of financial management.

Sec. 2. RCW 43.135.035 and 1994 c 2 s 4 are each amended to read as follows:

(1) After July 1, 1995, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken only if approved by a two-thirds vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The office of financial management shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for inflation and population increases?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund on or after January 1, 1993, to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the ~~((office of financial management))~~ state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken after July 1, 2000, that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account.

(5) If the cost of any state program or function is shifted to the state general fund on or after January 1, 2000, from another source of funding, or if moneys are transferred to the state general fund from another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift.

Sec. 3. RCW 43.135.045 and 1994 c 2 s 3 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make

transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of ~~((biennial))~~ annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer to the education construction fund hereby created in the treasury. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter.

(4)(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2000."

Representatives H. Sommers and Huff spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barlean, H. Sommers, Huff, Doumit, Alexander, Dunshee, Thomas and Quall spoke in favor of passage of the bill.

MOTION

On motion of Representative Fortunato, Representative Van Luven was excused.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 3169.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3169, and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pflug, Poulsen, Quall, Radcliff, Regala, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 88.

Voting nay: Representatives Boldt, Crouse, DeBolt, Esser, Koster, Mielke, Pennington, Reardon and Schindler - 9.

Excused: Representative Van Luven - 1.

Engrossed House Bill No. 3169, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted NAY on Engrossed House Bill No. 3169.

STEVE VAN LUVEN, 48th District

HOUSE BILL NO. 2487, by Representative H. Sommers; by request of Governor Locke

Making supplemental operating appropriations.

The bill was read the second time.

Representative Huff moved the adoption of the following amendment (711):

Strike everything after the enacting clause and insert the following:

"PART I GENERAL GOVERNMENT

Sec. 101. 1999 c 309 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2000) \$

((24,853,000))

24,841,000

General Fund--State Appropriation (FY 2001) \$

((26,061,000))

26,148,000

Department of Retirement Systems Expense Account--State Appropriation \$

((25,000))

45,000

TOTAL APPROPRIATION \$

((50,939,000))

51,034,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation ((for fiscal year 2000)) is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$394,000 of the general fund--state appropriation is provided to support the legislature's participation in the redistricting process in conjunction with the redistricting commission.

(3) The task force on funding of fairs and youth shows is created. The task force shall be composed of the following members:

(a) One member of the office of financial management appointed by the governor;

(b) Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives;

(c) Two members of the senate, one from each major caucus, appointed by the president of the senate;

(d) One representative of the department of agriculture, appointed by the director;

(e) One representative of the horse racing commission, appointed by the chair of the horse racing commission;

(f) Three representatives of fairs, appointed by the president of the state fairs association, representing community fairs, large county and area fairs, and small county and area fairs;

(g) Two representatives of youth shows, one representing 4-H youth programs appointed by the dean of the college of agriculture at Washington State University; the other representing future farmers of America programs appointed by the agricultural teachers association;

(h) One representative of the horse racing industry appointed by agreement of the co-speakers of the house of representatives and president of the senate; and

(i) One representative of county governments, appointed by the Washington association of counties.

Members shall be appointed by June 1, 2000. Staff support for the task force shall be provided by legislative committee staff.

The task force shall develop recommendations on the amount and source or sources of funding needed to encourage fairs and youth shows and any legislative proposals needed to implement the task force recommendations. The task force shall provide these recommendations to the appropriate fiscal committees of the legislature by November 15, 2000.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for expert consultation on legal and policy issues related to options for caring for persons with developmental disabilities who need involuntary commitment. The 1999-2001 biennial appropriations act provides more than \$14,000,000 to the department of social and health services to improve services to this program.

Sec. 102. 1999 c 309 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2000) \$

((19,749,000))

19,736,000

General Fund--State Appropriation (FY 2001) \$

((21,525,000))

21,623,000

Department of Retirement Systems Expense Account--State Appropriation \$

((25,000))

45,000

TOTAL APPROPRIATION \$

((41,299,000))

41,404,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 from the general fund--state appropriation for fiscal year 2000 is provided to contract for a study of policies and practices for setting information services rates paid by state agencies. The study shall include an analysis of the effect of current and alternative depreciation policies and schedules on rates and revolving fund balances.

(2) \$25,000 of the general fund--state appropriation (~~for fiscal year 2000~~) is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(3) \$394,000 of the general fund--state appropriation is provided to support the legislature's participation in the redistricting process in conjunction with the redistricting commission.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for expert consultation on legal and policy issues related to options for caring for persons with developmental disabilities who need involuntary commitment. The 1999-2001 biennial appropriations act provides more than \$14,000,000 to the department of social and health services to improve services to this program.

(5) From funds appropriated in this section, the health and long-term care committee of the senate shall study the state's health care system to determine the extent to which it meets the needs of rural residents. Using available health indicators, the committee shall examine the relationship between community health status and the availability of local health services, including inpatient, outpatient, and community and public health programs. The committee shall identify possible legislative action to address shortcomings in the ability of the state's health care system to meet the needs of rural residents.

(6) The task force on funding of fairs and youth shows is created. The task force shall be composed of the following members:

(a) One member of the office of financial management appointed by the governor;

(b) Two members of the house of representatives, one from each major caucus, appointed by the co-speakers of the house of representatives;

(c) Two members of the senate, one from each major caucus, appointed by the president of the senate;

(d) One representative of the department of agriculture, appointed by the director;

(e) One representative of the horse racing commission, appointed by the chair of the horse racing commission;

(f) Three representatives of fairs, appointed by the president of the state fairs association, representing community fairs, large county and area fairs, and small county and area fairs;

(g) Two representatives of youth shows, one representing 4-H youth programs appointed by the dean of the college of agriculture at Washington State University; the other representing future farmers of America programs appointed by the agricultural teachers association;

(h) One representative of the horse racing industry appointed by agreement of the co-speakers of the house of representatives and president of the senate; and

(i) One representative of county governments, appointed by the Washington association of counties.

Members shall be appointed by June 1, 2000. Staff support for the task force shall be provided by legislative committee staff.

The task force shall develop recommendations on the amount and source or sources of funding needed to encourage fairs and youth shows and any legislative proposals needed to implement the task force recommendations. The task force shall provide these recommendations to the appropriate fiscal committees of the legislature by November 15, 2000.

Sec. 103. 1999 c 309 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2000) \$

((1,604,000))

1,634,000

General Fund--State Appropriation (FY 2001) \$

((1,661,000))

1,876,000

TOTAL APPROPRIATION \$

((3,265,000))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$280,000 of the general fund--state appropriation is provided for conducting a study of the mental health system. The study shall include, but not be limited to:

~~((1))~~ (a) An analysis of the roles and responsibilities of the division of mental health in the department of social and health services, with regard to regional support networks (RSNs) and community mental health providers;

~~((2))~~ (b) An analysis of the funding of the RSNs through contracts let by the division of mental health, including the basis for per capita payment rates paid to the regional support networks and any federal requirements related to the federal medicaid waiver under which the current mental health system operates;

~~((3))~~ (c) An analysis of actual and contractual service levels, outcomes, and costs for RSNs, including the types and hours of services provided, costs of services provided, trends in per client service expenditures, and client outcomes;

~~((4))~~ (d) An analysis of RSN and subcontractor service and administrative costs, fund balances, contracting practices, client demographics, and outcomes over time;

~~((5))~~ (e) An analysis of contracts between RSNs and community mental health providers, with emphasis on costs, services, performance, and client outcomes, including any accountability standards, performance measures, data requirements, and sanctions and incentives currently in the contract between the regional support networks and the mental health division; and

~~((6))~~ (f) Recommendations for modifying the basis on which RSNs and community mental health providers are funded, including a funding formula that will result in a greater relationship of the funding distribution formula to the prevalence of mental illness in each RSN service area, to efficiency as demonstrated by performance measures and to effectiveness as demonstrated by patient outcome.

The joint legislative audit and review committee may contract for consulting services in conducting the study.

The study shall be submitted to the fiscal committees of the legislature by December 1, 2000.

(2) \$135,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a study of bilingual education.

(a) The committee shall require the office of the superintendent of public instruction to prepare a follow-up report on how it has implemented the recommendations contained in the legislative budget committee report number 92-3, "K-12 transitional bilingual instruction program." This follow-up report shall also include updated information on the length of stay in bilingual programs, testing methods for entry into and exit from the program, descriptions of program variations, and the relationship between length of stay and student achievement. The committee shall review and assess the superintendent's report and present its findings to the fiscal committees of the house of representatives and the senate by December 15, 2000.

(b) In addition, the committee shall review and, if appropriate, make recommendations for changes to the funding allocation methods for transitional bilingual programs, and present its findings to the fiscal committees of the house of representatives and senate by December 14, 2001.

(3) \$30,000 of the general fund--state appropriation for fiscal year 2000 and \$80,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a study of the K-12 special education program. The study shall focus on the following issues: A review of the findings of the special education program audit summary reports prepared by the state auditor in 1999 and 2000; the adequacy of the excess cost definition for the special education program adopted by the superintendent of public instruction; the ability to determine individual school districts' safety net funding need in light of differing accounting methods in use by school districts; the ability to uniformly determine individual school districts' safety net funding need in light of differing service delivery practices. The final report shall be submitted to the legislature no later than June 30, 2002. Interim findings shall be submitted by November 20, 2000, and November 20, 2001.

NEW SECTION. Sec. 104. A new section is added to 1999 c 309 (uncodified) to read as follows:

LEGISLATIVE AGENCIES. In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, legislative budget committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

Sec. 105. 1999 c 309 s 108 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2000) \$	((4,837,000))
	<u>4,980,000</u>
General Fund--State Appropriation (FY 2001) \$	((5,027,000))
	<u>5,114,000</u>
TOTAL APPROPRIATION \$	((9,864,000))
	<u>10,094,000</u>

Sec. 106. 1999 c 309 s 110 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2000) \$	((10,946,000))
	<u>11,088,000</u>
General Fund--State Appropriation (FY 2001) \$	((11,415,000))
	<u>11,691,000</u>
TOTAL APPROPRIATION \$	((22,361,000))
	<u>22,779,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$338,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Senate Bill No. 5037 (Pierce county court of appeals). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2000 and ~~((150,000))~~ \$180,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for providing compensation adjustments to nonjudicial staff of the court of appeals. Within the funds provided in this subsection, the court of appeals shall determine the specific positions to receive compensation adjustments based on recruitment and retention difficulties, new duties or responsibilities assigned, and salary inversion or compression within the court of appeals.

Sec. 107. 1999 c 309 s 112 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2000) \$	((12,114,000))
	<u>13,144,000</u>

General Fund--State Appropriation (FY 2001) \$	((12,280,000))
	<u>14,569,000</u>
Public Safety and Education Account--State Appropriation \$	((24,981,000))
	<u>25,085,000</u>
Judicial Information Systems Account--State Appropriation \$	((17,617,000))
	<u>19,016,000</u>
TOTAL APPROPRIATION \$	((66,992,000))
	<u>71,814,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions.

(3) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(4) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(5) \$278,000 of the general fund--state appropriation for fiscal year 2000, \$285,000 of the general fund--state appropriation for fiscal year 2001, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$200,000 of the public safety and education account appropriation is provided solely for a unified family court pilot program. Of this amount, \$150,000 is provided for the costs of establishing the program and \$50,000 is provided for costs associated with evaluating the efficacy of the program. The pilot program grant is limited to the 1999-01 biennium. After this time, it is assumed that funding for continuation of the unified family court or expansion to other counties would be provided by local jurisdictions based on the results of the evaluation of the program.

(7) \$130,000 of the general fund--state appropriation for fiscal year 2000 and \$130,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the new judicial positions authorized by Engrossed Senate Bill No. 5036 (superior court judges).

(8) \$132,000 of the general fund--state appropriation for fiscal year 2000 and \$136,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state's portion of increased costs in the superior court mandatory arbitration program.

(9) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to increase the number of children served by court-appointed special advocates in dependency matters. The office of the administrator for the courts, after consulting with the Washington association of juvenile court administrators and the Washington association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special

advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(10) \$30,000 of the public safety and education account--state appropriation is provided solely for the office of the administrator for the courts to convene a task force to review whether there are revisions to existing statutes and court rules which, if implemented, would decrease the likelihood of an inappropriate imposition of the death penalty.

Sec. 108. 1999 c 309 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2001) \$

	<u>500,000</u>
Public Safety and Education Account--State Appropriation \$	<u>((12,440,000))</u>
	<u>12,490,000</u>
<u>TOTAL APPROPRIATION \$</u>	<u>12,990,000</u>

The appropriations in this section (~~(is)~~ are) are subject to the following conditions and limitations:

(1) \$558,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1599 (court funding). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) The entire general fund--state appropriation is provided solely for a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(iii) Use of investigative and expert services in appropriate cases; and

(iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(b) The pilot program shall be established in one eastern and one western Washington juvenile court.

(c) The director shall contract for an independent evaluation of the pilot program benefits and costs. An interim evaluation shall be submitted to the governor and fiscal committees of the legislature no later than January 1, 2001. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than ninety days following the close of the 1999-01 fiscal biennium.

(5) \$50,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2491 (DNA testing of offenders). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 109. 1999 c 309 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2000) \$	5,762,000
General Fund--State Appropriation (FY 2001) \$	((5,720,000))
	<u>5,644,000</u>
General Fund--Federal Appropriation \$	((674,000))
	<u>209,000</u>
Water Quality Account--State Appropriation \$	700,000
TOTAL APPROPRIATION \$	((12,856,000))
	<u>12,315,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$1,612,000 of the general fund--state appropriation for fiscal year 2000, ((~~\$1,588,000~~))~~ \$1,509,000 of the general fund--state appropriation for fiscal year 2001, \$700,000 of the water quality account appropriation, and \$209,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

~~(2) ((~~\$465,000 of the general fund--federal appropriation and \$200,000 of the general fund--state appropriation are provided solely for the salmon recovery office to meet its responsibilities for the state wide salmon recovery strategy. Of this amount: (a) \$200,000 of the general fund--state appropriation is provided for the operation of the independent science panel; and (b) \$465,000 of the general fund--federal appropriation is provided for the salmon recovery office staff to support local salmon recovery planning efforts. \$232,500 of the general fund--federal appropriation in this subsection may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~~~

~~(3))~~ \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the salmon recovery office to support the efforts of the independent science panel.

(3) \$62,000 of the fiscal year 2000 general fund--state appropriation and \$63,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing the salmon recovery funding board in the office of the governor. If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(4) \$3,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Senate Bill No. 5408 (state medal of valor).

Sec. 110. 1999 c 309 s 115 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2000) \$	((333,000))
	<u>338,000</u>

General Fund--State Appropriation (FY 2001) \$	((332,000))
	<u>348,000</u>
General Fund--Federal Appropriation \$	160,000
TOTAL APPROPRIATION \$	((825,000))
	<u>846,000</u>

Sec. 111. 1999 c 309 s 116 (uncodified) is amended to read as follows:
FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2000) \$	((1,724,000))
	<u>1,751,000</u>
General Fund--State Appropriation (FY 2001) \$	((1,496,000))
	<u>2,170,000</u>
TOTAL APPROPRIATION \$	((3,220,000))
	<u>3,921,000</u>

The appropriations in this section are subject to the following conditions and limitations:
\$328,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$86,000~~)) \$760,000 of the
general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of
Engrossed Second Substitute Senate Bill No. 5931 (electronic filing and public access). If the bill is
not enacted by June 30, 1999, the amounts provided shall lapse.

Sec. 112. 1999 c 309 s 117 (uncodified) is amended to read as follows:
FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2000) \$	((14,063,000))
	<u>14,043,000</u>
General Fund--State Appropriation (FY 2001) \$	((8,371,000))
	<u>8,399,000</u>
General Fund--Private/Local Appropriation \$	120,000
Archives and Records Management Account--State Appropriation \$	((5,401,000))
	<u>5,489,000</u>
Archives and Records Management Account--Private/Local Appropriation \$	((2,581,000))
	<u>4,123,000</u>
Department of Personnel Service Account--State Appropriation \$	681,000

TOTAL APPROPRIATION \$

((31,217,000))

32,855,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,355,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$3,780,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of presidential preference primary election costs.

(3) \$2,106,000 of the general fund--state appropriation for fiscal year 2000 and \$2,663,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2000 and \$125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for legal advertising of state measures under RCW 29.27.072.

(5)(a) \$1,870,350 of the general fund--state appropriation for fiscal year 2000 and \$1,907,757 of the general fund--state appropriation for fiscal year 2001 are provided solely for continuing the contract with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance during the 1999-2001 biennium.

(b) The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(6) \$867,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

(7) \$120,000 of the general fund--private/local appropriation is provided solely for the Washington quality awards council.

(8) \$20,000 of the general fund--state appropriation for fiscal year ~~((2000))~~ 2001 is provided solely for the operations of the task force on archaeology and historic preservation. The task force shall develop a single recommendation for consideration by the legislature and the governor on the issue of the location of the office of archaeology and historic preservation within state government. The recommended location shall maximize the office of archaeology and historic preservation's stature, visibility, accessibility, and delivery of service state-wide in the context of its critical role as an important link among downtown and neighborhood revitalization efforts, the cultural tourism movement, rural economic development initiatives, and the preservation of the structures and sites that still remain as the legacy of Washington's rich and diverse heritage. The task force shall consider and include in its recommendation how best both to realize the potential of the office of archaeology and

historic preservation to generate revenue from services it could provide in international, national, state, local, and private venues and also how best to achieve adequate funding from all funding sources to assure that the office of archaeology and historic preservation can provide the best possible service to the citizens of the state. There shall be eleven members of the task force as follows: One member shall be the state historic preservation officer or his or her designee; two members shall be representatives of state agencies; two members shall be representatives of local governments; there shall be one representative each from the Washington state historical society, the eastern Washington state historical society, the Washington trust for historic preservation, and Indian tribes; and two members shall be representatives of the private sector who have experience in preservation of historic buildings or archaeological sites or who have particular interest in the issue of preservation of historic buildings and archaeological sites. The state historic preservation officer shall be the chair of the task force. The task force shall report to appropriate committees of the legislature and the governor by January 1, ~~((2000))~~ 2001.

(9) \$8,000 of the fiscal year 2001 general fund--state appropriation is provided solely to implement Senate Bill No. 5408 (state medal of valor).

Sec. 113. 1999 c 309 s 120 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State Appropriation \$

~~((13,487,000))~~

14,244,000

The appropriation in this section is subject to the following conditions and limitations: \$757,000 of the state treasurer's service account appropriation is provided to address on-going compliance with federal tax codes. Of this amount, up to \$400,000 is provided for a contract to conduct a compliance review of the state treasurer's debt management program. The state finance committee shall define the scope of the compliance review and oversee the contract.

Sec. 114. 1999 c 309 s 123 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2000) \$

~~((32,000))~~

67,000

General Fund--State Appropriation (FY 2001) \$

~~((118,000))~~

128,000

TOTAL APPROPRIATION \$

~~((150,000))~~

195,000

The appropriations in this section are subject to the following conditions and limitations and are sufficient for the commission to: (1) Carry out statutorily required public hearings; (2) enter into an agreement with the department of personnel to provide data sharing, research support, and training for commission members and staff; (3) employ part-time staff in fiscal year 2000 to respond to requests for information; and (4) begin full-time staffing in September 2000 to allow for orientation and training for commission members prior to the next salary setting cycle. ~~((The commission shall work with the department of general administration to reduce its operating costs by collocating with another state agency, and shall report back to the fiscal committees of the legislature by December 15, 1999.))~~ \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$10,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for office rent for the remainder of the

biennium, increased AFRS and consolidated mail costs, general administration consulting services, and unexpected commission meeting costs related to litigation. Future funding for lease costs beyond the current biennium shall be contingent upon the agency's colocation with another agency.

Sec. 115. 1999 c 309 s 124 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2000) \$	((3,906,000))
	<u>4,079,000</u>
General Fund--State Appropriation (FY 2001) \$	((3,889,000))
	<u>4,557,000</u>
General Fund--Federal Appropriation \$	((2,291,000))
	<u>2,526,000</u>
Public Safety and Education Account--State Appropriation \$	1,338,000
New Motor Vehicle Arbitration Account--State Appropriation \$	1,109,000
Legal Services Revolving Account--State Appropriation \$	((117,287,000))
	<u>118,390,000</u>
TOTAL APPROPRIATION \$	((129,820,000))
	<u>131,999,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) \$154,000 of the fiscal year 2000 general fund--state appropriation and \$308,000 of the fiscal year 2001 general fund--state appropriation are provided solely for the costs associated with the legal defense of Initiative Measure No. 695.

(4) \$486,000 of the legal services revolving account appropriation is provided solely to support activities related to vulnerable adults. Such activities include providing technical assistance for guardianships, financial exploitation cases, protection orders, and providing assistance to police and prosecutors addressing vulnerable adults.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for costs associated with enforcing state authority on taxation of liquor with respect to Resolution T-022-00, or any other tax or regulatory ordinances regarding liquor, adopted by the Confederated Tribes and Bands of the Yakama Nation.

Sec. 116. 1999 c 309 s 127 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 General Fund--State Appropriation (FY 2000) \$

	((72,469,000))
	<u>73,462,000</u>
General Fund--State Appropriation (FY 2001) \$	((71,387,000))
	<u>71,980,000</u>
General Fund--Federal Appropriation \$	((153,575,000))
	<u>171,275,000</u>
General Fund--Private/Local Appropriation \$	6,918,000
Public Safety and Education Account--State Appropriation \$	((8,793,000))
	<u>9,093,000</u>
Public Works Assistance Account--State Appropriation \$	2,344,000
Building Code Council Account--State Appropriation \$	((1,375,000))
	<u>1,325,000</u>
Administrative Contingency Account--State Appropriation \$	1,776,000
Low-Income Weatherization Assistance Account--State Appropriation \$	3,289,000
Violence Reduction and Drug Enforcement Account--State Appropriation \$	6,051,000
Manufactured Home Installation Training Account--State Appropriation \$	252,000
Washington Housing Trust Account--State Appropriation \$	((4,685,000))
	<u>4,770,000</u>
Public Facility Construction Loan Revolving Account--State Appropriation \$	522,000
<u>Film and Video Promotion Account--State Appropriation \$</u>	<u>40,000</u>
TOTAL APPROPRIATION \$	((333,436,000))
	<u>353,097,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that the department of community, trade, and economic development receive separate programmatic appropriations for the community development program and the trade and economic development program for fiscal year 2001 and thereafter.

(a) \$53,171,000 of the general fund--state appropriation for fiscal year 2001 is provided for the community development program.

(b) \$17,794,000 of the general fund--state appropriation for fiscal year 2001 is provided for the trade and economic development program.

(c) \$422,000 of the general fund--state appropriation for fiscal year 2001 is provided for administration of the department and shall be allocated to the community development program and the trade and economic development program subject to allotment approval by the office of financial management.

(d) The remaining general fund--state appropriation for fiscal year 2001 and the fiscal year 2001 allotments for all other budgeted funds within the department of community, trade, and economic development shall be allocated to the community development program and the trade and economic development program subject to allotment approval by the office of financial management.

(2) \$2,962,500 of the general fund--state appropriation for fiscal year 2000 and \$3,602,500 of the general fund--state appropriation for fiscal year 2001 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 biennium.

~~((2))~~ (3) \$61,000 of the general fund--state appropriation for fiscal year 2000 and \$62,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item DCTED-01.

~~((3))~~ (4) \$11,893,320 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2000 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,552,800 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$240,000 to the department for grants to support tribal law enforcement needs;

(e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington for the implementation of sections 7 through 10 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing);

(f) \$312,551 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$200,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) \$667,075 to the department to continue domestic violence legal advocacy;

(i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(j) \$91,000 to the department to continue the governor's council on substance abuse;

(k) \$99,000 to the department to continue evaluation of Byrne formula grant programs;

(l) \$1,519,244 to the office of financial management for criminal history records improvement;

(m) \$804,400 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs;

(n) \$290,000 to the Washington state patrol solely for costs associated with the supervision, coordination, and reimbursement for local law enforcement officers' participation in the task force on missing and exploited children established by Second Substitute Senate Bill No. 5108 (missing/exploited children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and

applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

~~((4))~~ (5) \$11,120,816 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2001 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,363,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$240,000 to the department for grants to support tribal law enforcement needs;

(e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$302,551 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$200,000 to the department to continue a substance abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) \$667,094 to the department to continue domestic violence legal advocacy;

(i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(j) \$90,000 to the Washington association of sheriffs and police chiefs to complete the state and local components of the national incident based reporting system;

(k) \$30,000 to the department to expand integrated domestic violence training of law enforcement, prosecutors, and domestic violence advocates;

(l) \$17,559 to the department to initiate the planning for a state-wide drug and violent crime threat assessment to be conducted in conjunction with the Northwest high intensity drug trafficking area and the department of social and health services, division of alcohol and substance abuse;

(m) \$91,000 to the department to continue the governor's council on substance abuse;

(n) \$99,000 to the department to continue evaluation of Byrne formula grant programs;

(o) \$1,014,419 to the office of financial management for criminal history records improvement;

(p) \$825,100 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs;

(q) \$45,000 to the department to expand the number of prosecutors participating in the drug prosecution assistance program in support of multijurisdictional narcotics task forces; and

(r) \$18,862 to the department to develop a domestic violence legal advocacy process and training manual.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the tourism office to increase rural tourism development, consumer marketing, and international marketing.

~~((5))~~ (7) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a grant program to help communities design and carry out rural economic development projects.

~~((6))~~ (8) \$1,250,000 of the general fund--state appropriation for fiscal year 2000, and \$1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to operate, repair, and staff shelters for homeless families with children.

~~((7))~~ (9) \$2,500,000 of the general fund--state appropriation for fiscal year 2000 and \$2,500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to operate transitional housing for homeless families with children. The grants may also be used to make partial payments for rental assistance.

~~((8))~~ (10) \$1,250,000 of the general fund--state appropriation for fiscal year 2000 and \$1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for consolidated emergency assistance to homeless families with children.

~~((9))~~ (11) \$50,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to develop a plan for a system for collecting reliable and accurate data on homeless persons. The plan shall provide at least two approaches based on a range of possible budgets. The plan shall be provided to the governor's office and the legislative fiscal committees no later than November 1, 1999.

~~((10))~~ (12) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided to the department solely for providing technical assistance to developers of housing for farmworkers.

~~((11))~~ (13) \$160,000 of the public works assistance account appropriation is solely for providing technical assistance to local communities that are developing the infrastructure needed to support the development of housing for farmworkers.

~~((12))~~ (14) \$205,000 of the general fund--state appropriation for fiscal year 2000 and \$205,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to Washington Columbia river gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county, and \$20,000 is provided for Clark county.

~~((13))~~ (15) \$500,000 of the general fund--state fiscal year 2000 appropriation and \$500,000 of the general fund--state fiscal year 2001 appropriation are provided solely for grants to Grays Harbor county as lead agency to support local coastal erosion activities and partnership with state and federal agencies in the southwest Washington coastal erosion study.

~~((14))~~ (16) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to food banks and food distribution centers. At least \$65,000 of the amount provided in each fiscal year shall be utilized for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

~~((15))~~ (17) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the establishment of state trade office activity in South Korea.

~~((16))~~ (18) \$698,000 of the general fund--state appropriation for fiscal year 2000, \$698,000 of the general fund--state appropriation for fiscal year 2001, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations.

~~((17) \$220,000)~~ (19) \$185,000 of the general fund--state appropriation for fiscal year 2000 and ~~((90,000))~~ \$409,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5693 (developmental disabilities endowment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

~~((18))~~ (20) \$970,000 of the general fund--state appropriation for fiscal year 2000 is provided solely as a grant to the Washington council on international trade as partial support for the 1999 world trade organization meeting.

~~((19))~~ (21) \$500,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for a grant to Pierce county to construct a joint state/county recreation facility on state property

in the South Hill area near Puyallup. The grant provided in this subsection is contingent upon an agreement that the county will assume full maintenance and operation of the facility.

~~((20))~~ (22) \$22,000 of the general fund--state appropriation for fiscal year 2000 and \$22,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department's role in implementing Engrossed Second Substitute House Bill No. 1493 (homeless children and families). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

~~((21))~~ (23) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to support the spirit 2000 millennium celebration project.

~~((22))~~ (24) \$20,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to assist the Tri-Cities cultural arts center to develop a plan to bring the arts to eastern Washington.

~~((23))~~ (25) \$125,000 of the general fund--state appropriation for fiscal year 2000 and \$125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase the number of trained volunteer long-term care ombudsmen available to serve elderly or disabled residents living in licensed boarding homes and adult family homes.

~~((24))~~ (26) \$150,000 of the general fund--state appropriation for fiscal year 2000 is provided solely as a grant to preserve the Mukai farm and garden.

~~((25))~~ (27) \$21,000 of the general fund--state appropriation for fiscal year 2000 is provided solely as a matching grant to support the Washington state senior games. State funding shall be matched with at least an equal amount of private or local government funds.

~~((26))~~ (28) \$500,000 of the general fund--state appropriation for fiscal year 2000 ~~((and \$500,000 of the general fund--state appropriation for fiscal year 2001 are))~~ is provided solely to increase the number of children served by a court-appointed special volunteer advocate guardian ad litem in dependency proceedings. The funds shall be distributed by the department to local and state court-appointed special advocate programs based on the number of children without volunteer court-appointed special advocate representation. \$200,000 of the general fund--state fiscal year 2001 appropriation is provided solely to contract with a private nonprofit corporation to provide state-wide technical support, development, and enhancement of court-appointed special advocate programs.

~~((27))~~ (29) \$1,125,000 of the general fund--state appropriation for fiscal year 2000 and \$1,125,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for King county for the purpose of local public health. The amounts in this subsection shall be deposited into the county public health account.

~~((28))~~ (30) \$1,157,000 of the general fund--state appropriation for fiscal year 2000 and \$1,723,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Spokane intercollegiate research and technology institute.

(31) \$425,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Spokane intercollegiate research and technology institute (SIRTI). This amount is contingent on the completion of a joint plan developed with Washington State University that identifies:

(a) How SIRTI and the university will work collaboratively to fulfill the current SIRTI goals and mission, including research, commercialization of digital, environmental, and biotechnologies, and development of venture capital;

(b) SIRTI governance, and the maintenance of a local board that will provide guidance and oversight for commercialization and technology transfer initiatives;

(c) Moving appropriate university research programs to Spokane;

(d) Strategies for strengthening higher education collaboration in Spokane;

(e) Resource development strategies to secure funds from nonstate sources to provide adequate support for commercialization and technology transfer efforts;

(f) The full and efficient use of resources, including space and budget, consistent with the goals and mission of SIRTI;

(g) Performance measures for impacts on the economy of Spokane and eastern Washington resulting from SIRTI activities such as:

(i) The amount of new research that SIRTI attracts to Spokane;

(ii) The number of new products incubated through SIRTI in the Spokane area;

(iii) The number of new products capitalized in the Spokane area through SIRTI;

(iv) The number of jobs produced by start-ups through SIRTI; and

(h) Strategies for reducing the need for state funding for SIRTI administrative, operating, and program management costs over time.

By May 15, 2000, SIRTI and the university will provide the office of financial management and the legislature with an operational plan that identifies the actions to be taken to meet their agreed-upon goals. Funds will be released only after receipt of a plan that meets these requirements, subject to a determination by the director of financial management in consultation and agreement with the higher education coordinating board, Spokane area baccalaureate institutions and the department of community, trade, and economic development.

(32) \$250,000 of the general fund--state fiscal year 2001 appropriation is provided to support development of a proposal to site a spaceport facility in the Moses Lake area for the Lockheed Martin venture star project. In the event that Lockheed Martin does not proceed with a request for proposal process for the venture star project, the amounts provided in this subsection shall lapse.

(33) \$300,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(34) \$85,000 of the Washington housing trust account appropriation is provided solely to implement House Bill No. 3105 or Senate Bill No. 6805 (apportioning a sales and use tax for zoos, aquariums, wildlife preserves, and regional parks). If neither bill is enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(35) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely as pass-through funding to currently licensed overnight youth shelters.

(36) \$112,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the office of archeology and historic preservation. The office is to remain in current leased space pending the results of the study regarding the future organizational status of the office.

(37) \$50,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for pilot projects that provide voice mail services to homeless families and individuals for the purposes of employment and housing searches.

(38) \$953,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for deposit into the state building construction account for the purpose of expanding grants to currently approved and prioritized projects in the community services facilities grant program.

(39) \$5,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington state millennium project as designated by the national endowment for the arts.

(40) \$62,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement Substitute House Bill No. 2460 (community empowerment zones). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(41) \$25,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the department of community, trade, and economic development to provide administrative and professional support, including the hiring of an independent facilitator, to a joint legislative task force charged with reviewing current energy siting statutes and reporting its recommendations to the legislature and the governor by December 1, 2000. The task force, which shall consist of eight voting legislative members and eight nonvoting members representing interested stakeholder groups, shall review and make recommendations regarding the following issues: (a) Jurisdiction and membership of the state siting authority; (b) its procedures; (c) the scope of preemption of proprietary and regulatory functions of local governments and other state agencies; (d) local government participation; (e) the standards and processes for determining the need for proposed projects; (f) the role of a counsel for the environment; (g) funding and related costs of participating in the state siting process; (h) monitoring and oversight of certified facilities; and (i) the siting of facilities on public lands.

(42) \$75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely as a grant to the southwest Seattle historical society for support of the loghouse museum.

(43) \$50,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to implement an industry cluster-based approach to economic development as outlined in Substitute Senate Bill No. 6618.

(44) The department shall, within existing resources, provide program development and service delivery to the eastern region of the state.

Sec. 117. 1999 c 309 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2000) \$

((12,791,000))

12,600,000

General Fund--State Appropriation (FY 2001) \$

((11,855,000))

13,208,000

General Fund--Federal Appropriation \$

23,340,000

General Fund--Private/Local Appropriation \$

500,000

TOTAL APPROPRIATION \$

((48,486,000))

49,648,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund--state appropriation for fiscal year 2000 is provided solely to evaluate and promote the use by state and local agencies of the training facilities at the Hanford reservation.

(2) Funding in this section provides for a feasibility study to collect Washington enrollment data on distance learning programs sponsored by in-state and out-of-state private institutions in cooperation with the higher education coordinating board and the state board for community and technical colleges. Findings shall be submitted to the appropriate committees of the legislature by January 2000.

(3) \$75,000 of the fiscal year 2000 general fund--state appropriation and \$75,000 of the fiscal year 2001 general fund--state appropriation are provided solely to track and administer state and federal funding for salmon recovery allocated by the salmon recovery funding board established under Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079.

(4) The office of financial management, in collaboration with the institutions of higher education, the higher education coordinating board, and the state board for community and technical colleges, shall modify state information systems in order to provide consistent data on students engaged in distance learning. Higher education institutions shall provide enrollment information in support of this effort. Reporting on the numbers and categories of students enrolled in distance learning by class level and institutions shall begin by fall term, 2000. Washington independent institutions of higher education are encouraged to participate in this process and to provide distance learner enrollment data.

(5) \$1,000,000 of the general fund--state appropriation and \$500,000 of the general fund--private/local appropriation are provided solely for the commission on early learning. One-half of the amount provided from the general fund--state shall not be expended unless matched by an equal amount from private sources.

(6) \$329,000 of the general fund--state appropriation for fiscal 2001 is provided solely to develop a centralized database of social service contract information as recommended by the task force on agency contracting services.

(7) \$689,000 of the general fund--state appropriation is provided solely for information systems improvements at the department of fish and wildlife, including a network upgrade, purchase of personal computers, and support for agency information systems.

(8) \$795,000 of the general fund--state appropriation is provided solely for improvements in the basic business practices at the department of fish and wildlife, including budget monitoring, cost accounting, time accounting and payroll systems, and license revenue forecasting.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the task force on health care reinsurance established by Second Substitute Senate Bill No. 6067 (health insurance coverage). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(10) \$285,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the office of financial management to adopt and publish uniform guidelines for the effective and efficient management of personal service contracts and client service contracts by all state agencies, conduct training on these guidelines for agency personnel, and conduct risk-based audits of personal service and client service contracts, as generally described in Second Substitute House Bill No. 2738 (state agency personal service contract practices).

(a) The guidelines shall, at a minimum, include: (i) Accounting methods, systems, measures, and principles to be used by agencies and contractors; (ii) precontract procedures for selecting potential contractors based on their qualifications and ability to perform; (iii) incorporation of performance measures and measurable benchmarks in contracts, and the use of performance audits; (iv) uniform contract terms to ensure contract performance and compliance with state and federal standards; (v) proper payment and reimbursement methods to ensure that the state receives full value for taxpayer moneys, including cost settlements and cost allowance; (vi) post-contract procedures, including methods for recovering improperly spent or overspent moneys for disallowance and adjustment; (vii) adequate contract remedies and sanctions to ensure compliance; (viii) monitoring, fund tracking, risk assessment, and auditing procedures and requirements; (ix) financial reporting, record retention, and record access procedures and requirements; (x) procedures and criteria for terminating contracts for cause or otherwise; and (xi) other subjects related to effective and efficient contract management.

(b) The office of financial management shall provide a training course for agency personnel responsible for executing and managing personal service contracts and client service contracts. The course must contain training on effective and efficient contract management under the guidelines established under this subsection.

(c) The office of financial management shall conduct risk-based audits of the contracting practices associated with individual personal service and client service contracts from multiple state agencies to ensure compliance with the guidelines established in this subsection. The office of financial management shall forward the results of the audits conducted under this subsection to the governor, the appropriate standing committees of the legislature, and the joint legislative audit and review committee.

(11) \$30,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a review of K-12 regional cost differences. The office of financial management shall conduct research, including a review of existing methods of determining regional cost differences. Regional cost differences shall include, but not be limited to, the cost of renting, leasing, or purchasing housing. The office of financial management shall report findings on cost differences on a regional basis and make recommendations on options for mitigating these differences to the appropriate committees of the house of representatives and senate by December 15, 2000.

(12) \$243,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for an audit of the state ferry capital program. The audit of ferry capital operations shall determine the following: Whether the ferry system is acquiring, protecting, and using its resources economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the ferry system has complied with laws and regulations governing economy and efficiency. This audit shall build on audits performed by, or under the direction of, the joint legislative audit and review committee on ferry capital operations. In establishing the scope of this audit, the director of financial management shall solicit public comments from interested parties and benchmark the state ferry capital operations to other public and private ferry capital operations. To address the intent of this subsection, the director may contract for specialized expertise. The audit report shall be delivered on or before January 1, 2001, to the governor and to the fiscal committees of the state legislature.

Sec. 118. 1999 c 309 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State Appropriation \$	16,999,000
Higher Education Personnel Services Account--State Appropriation \$	1,640,000
TOTAL APPROPRIATION \$	18,639,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.
- (3) \$515,000 of the department of personnel service account appropriation is provided solely for the development and implementation of a new employment application processing system to: Provide for electronic applications via the internet, provide continuous application acceptance, provide increased public access to job openings, allow for single applications for multiple jobs, and provide for scanning of larger applicant databases as job openings arise.
- (4) \$190,000 of the department of personnel service account appropriation is provided solely for the expansion of the executive fellowship program.
- (5) \$108,000 of the department of personnel service account appropriation is provided solely for increased funding of the administrative expenses of the combined fund drive.
- (6) \$52,000 of the department of personnel service account appropriation is provided solely to implement House Bill No. 5432 (retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.
- (7) The department of personnel has the authority to charge agencies for expenses associated with converting its payroll/personnel computer system to accommodate the year 2000 date change. Funding to cover these expenses shall be realized from the agency FICA savings associated with the pretax benefits contributions plan.
- (8) The department shall prepare a plan, in cooperation with the citizens' commission on salaries for elected officials, for providing office space for the commission in a department office building pursuant to an interagency agreement. The plan: (a) Shall provide for a separate, secured office for the 2001-03 biennium; (b) may provide for support services upon the mutual agreement of the department and commission; and (c) shall reflect both the commission's independent status and the need to provide for the most cost-effective structure for commission operations. The plan shall be submitted to the office of financial management and the appropriate fiscal committees of the house of representatives and senate by November 1, 2000.

Sec. 119. 1999 c 309 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State Appropriation \$	361,000
Department of Retirement Systems Expense Account--State Appropriation \$	((41,182,000))
TOTAL APPROPRIATION \$	44,608,000
	((41,543,000))
	<u>44,969,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$92,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 5030 (Washington state patrol surviving spouse

retirement). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(2) \$259,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1024 (retirement system option). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 6012 (investment board fund values). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$22,000 of the department of retirement systems expense account appropriation is provided solely to implement Senate Bill No. 5432 (PERS retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$50,000 of the department of retirement systems expense account appropriation is provided solely for the department to prepare and distribute to state employees information about options under the federal tax code for tax-advantaged retirement savings.

(6) \$3,731,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the electronic document image management system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(7) The department shall adjust the retirement systems administrative rate during the 1999-2001 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding for a study of LEOFF plan 1 medical liabilities by the office of the state actuary.

(8) \$293,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 2604 (survivor options). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) \$2,879,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(10) \$480,000 of the department of retirement systems expense account appropriation is provided solely for increased charges for services provided by the department of information systems. The two departments shall submit a report on the causes of the increased charges to the office of financial management no later than September 1, 2000.

(11) The department shall implement changes to its rules and information systems regarding post-retirement employment to provide that the five-month limitation provided in RCW 41.32.802(2), 41.32.862(2), 41.35.060(2), and 41.40.037(2) shall be tracked by the number of hours of post-retirement employment.

Sec. 120. 1999 c 309 s 137 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State Appropriation \$

((10,519,000))

11,137,000

Sec. 121. 1999 c 309 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2000) \$

279,000

General Fund--State Appropriation (FY 2001) \$

((279,000))

622,000

General Fund--Federal Appropriation \$

2,116,000

General Fund--Private/Local Appropriation \$

State Capitol Vehicle Parking Account--State Appropriation \$	417,000
Air Pollution Control Account--State Appropriation \$	<u>92,000</u> ((379,000))
General Administration Services Account--State Appropriation \$	<u>95,000</u> ((43,976,000))
Energy Efficiency Services Account--State Appropriation \$	<u>46,003,000</u> ((199,000))
TOTAL APPROPRIATION \$	<u>431,000</u> ((47,645,000)) <u>50,055,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop an allocation method for tort defense costs with the office of the attorney general and selected agency representatives. A report shall be submitted to the office of financial management and the fiscal committees of the house of representatives and the senate by June 30, 2000, on how the agencies will be billed for their tort defense services from the liability account. If Substitute House Bill No. 2111 (consolidates tort activities) is not enacted by June 30, 1999, this subsection shall lapse.

(2) \$92,000 of the state capitol vehicle parking account--state appropriation and \$27,000 of the general administration services account--state appropriation are provided solely for the continued operation of the state-wide commute trip reduction program.

(3) \$343,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to conduct the capitol tour program.

Sec. 122. 1999 c 309 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account--State Appropriation \$	3,605,000
K-20 Technology Account--State Appropriation \$	((7,400,000))
TOTAL APPROPRIATION \$	<u>4,040,000</u> ((11,005,000)) <u>7,645,000</u>

The appropriations in this section are subject to the following conditions and limitations:
~~((7,400,000))~~ \$4,040,000 of the K-20 technology account appropriation is provided solely for the completion of the K-20 network development plan through phase 2.

Sec. 123. 1999 c 309 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State Appropriation \$	((1,119,000))
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	1,254,000
Sec. 124. 1999 c 309 s 148 (uncodified) is amended to read as follows: FOR THE LIQUOR CONTROL BOARD	
General Fund--State Appropriation (FY 2000) \$	1,293,000
General Fund--State Appropriation (FY 2001) \$	1,284,000
Liquor Control Board Construction and Maintenance Account--State Appropriation \$	((8,013,000))
	9,998,000
Liquor Revolving Account--State Appropriation \$	((129,361,000))
	129,422,000
TOTAL APPROPRIATION \$	((139,951,000))
	141,997,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,804,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$105,000 of the liquor revolving account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5712 (motel liquor licenses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$300,000 of the liquor revolving account appropriation is provided solely for the board to develop a business plan. The board shall provide copies of the plan to the office of financial management and the fiscal committees of the legislature by September 30, 1999.

(4) \$1,985,000 of the liquor control board construction and maintenance account appropriation is provided solely for the operation of the temporary distribution center.

(5) \$53,000 of the liquor revolving account appropriation is provided solely to train new enforcement agents. In cooperation with the board, the criminal justice training commission shall establish a training curriculum that is appropriate for liquor enforcement officers. Nothing in this subsection makes liquor officers eligible for membership in the law enforcement and fire fighters' pension systems.

(6) \$8,000 of the liquor revolving account--state appropriation is provided solely for the creation of a liquor agencies advisory committee within the board, whose purpose is to foster communication between the legislature, the Washington state liquor control board, and the liquor agencies.

(a) The committee shall consist of two members of the Washington state liquor control board, two representatives of the liquor agencies nominated by a majority vote of all agencies, and two members from each of the senate and house of representatives fiscal committees. The liquor agencies advisory committee shall elect a chair from among its members, and shall meet at least twice a year, and may meet as often as is necessary.

(b) The advisory committee shall make recommendations when requested by the legislative fiscal committees, or on its own initiative, about revisions to fee and commission structures.

(c) The advisory committee shall prepare a comprehensive analysis and evaluation of the liquor agencies fees and commissions. The analysis and evaluation must consider, at a minimum, unique and significant financial, legislative, or other relevant developments that may impact fees and commissions. The advisory committee shall make recommendations for fee and commission revisions to the legislative fiscal committees by June 30, 2001.

Sec. 125. 1999 c 309 s 149 (uncodified) is amended to read as follows:
FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Public Service Revolving Account--State Appropriation \$

~~((25,966,000))~~

26,766,000

Public Service Revolving Account--Federal Appropriation \$

652,000

TOTAL APPROPRIATION \$

~~((26,618,000))~~

27,418,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the public service revolving account--state appropriation is provided solely for a study of costs incurred by electric, natural gas, telecommunications, and water utilities and railroads, except railroads owned and operated by the state and municipal corporations, for the placement of new and existing utilities facilities within railroad rights-of-way. The commission shall: ~~((1))~~ (a) Identify all expenses that are directly incurred by railroads to permit the safe construction and maintenance of utility facilities within the railroad right-of-way, including costs related to administering the issuance of a permit, inspecting construction, and flagging construction for safety; ~~((2))~~ (b) identify any extraordinary expenses which may be incurred by utilities and railroads as a result of utility facilities being located within the railroad right-of-way, including costs related to emergency response; ~~((3))~~ (c) examine the amount and scope of insurance that may be necessary for utilities and railroads to cover risks associated with railroad property and utility facilities located within the railroad right-of-way; ~~((4))~~ (d) compare and analyze different methods used or that could be used, for the purposes of determining compensation paid by utilities, to value railroad right-of-way property on which utility facilities are located; ~~((5))~~ (e) compare and analyze how terms, conditions, and fees imposed by railroads upon utilities for placing utility facilities within the railroad right-of-way have changed over time; and ~~((6))~~ (f) make any recommendations it deems pertinent based upon its findings. The commission shall consult with the chairs and ranking minority members of the senate energy, technology, and telecommunications committee and the house or representatives technology, telecommunications, and energy committee throughout the course of study and shall submit its report to the legislature and the governor by December 1, 1999.

(2) \$800,000 of the public service revolving fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 2420 (pipeline safety). To the extent that federal funds are available for this purpose, the amount provided in this subsection shall lapse on a dollar-for-dollar basis.

Sec. 126. 1999 c 309 s 151 (uncodified) is amended to read as follows:
FOR THE MILITARY DEPARTMENT
General Fund--State Appropriation (FY 2000) \$

~~((18,568,000))~~

10,889,000

General Fund--State Appropriation (FY 2001) \$

~~((8,264,000))~~

8,344,000

General Fund--Federal Appropriation \$

22,148,000

General Fund--Private/Local Appropriation \$

238,000

Enhanced 911 Account--State Appropriation \$

	((16,491,000))
	<u>19,507,000</u>
Disaster Response Account--State Appropriation \$	((18,970,000))
	<u>10,157,000</u>
Disaster Response Account--Federal Appropriation \$	((94,733,000))
	<u>46,699,000</u>
Worker and Community Right to Know Fund--State Appropriation \$	285,000
TOTAL APPROPRIATION \$	((179,697,000))
	<u>118,267,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((10,174,000))~~ \$2,470,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for deposit in the disaster response account to cover costs pursuant to section 402(9) of this act and subsection (2) of this section.

(2) ~~((18,970,000))~~ \$9,855,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster 1079 (November/December 1995 storms), FEMA disaster 1100 (February 1996 floods), FEMA disaster 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), FEMA disaster 1172 (March 1997 floods), FEMA disaster 1252 (1998 northeast counties floods), and FEMA disaster 1255 (Kelso landslide). The military department may, upon approval of the director of the office of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2001. The military department is to submit a report quarterly to the office of financial management and the fiscal committees of the house of representatives and senate detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information is to be displayed by individual disaster, by fund, and by type of assistance.

(3) ~~((75,000))~~ \$100,000 of the general fund--state fiscal year 2000 appropriation and ~~((75,000))~~ \$100,000 of the general fund--state fiscal year 2001 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$35,000 of the general fund--state fiscal year 2000 appropriation and \$35,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the north county emergency medical service.

(5) \$302,000 of the disaster response account--state appropriation is provided solely for the costs of activating the national guard during the world trade organization conference in Seattle.

Sec. 127. 1999 c 379 s 947 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2000) \$

((3,000,000))

General Fund--State Appropriation (FY 2001) \$

2,000,000

1,000,000

TOTAL APPROPRIATION \$

3,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section ((is)) are provided for emergency services readiness centers in Bremerton, Yakima, and Spokane. The \$2,000,000 general fund--state appropriation for fiscal year 2000 is provided solely for the design and/or construction of the Bremerton and Spokane readiness centers. The \$1,000,000 general fund--state appropriation for fiscal year 2001 is provided solely for the design and/or construction of the Yakima armory.

Sec. 128. 1999 c 309 s 154 (uncodified) is amended to read as follows:
FOR THE STATE CONVENTION AND TRADE CENTER
 State Convention and Trade Center Operating Account--State Appropriation \$ 29,963,000
 State Convention and Trade Center Account--State Appropriation \$ 2,471,000
TOTAL APPROPRIATION \$ 32,434,000

Sec. 129. 1999 c 309 s 125 (uncodified) is amended to read as follows:
FOR THE CASELOAD FORECAST COUNCIL
 General Fund--State Appropriation (FY 2000) \$ ((406,000))
 431,000
 General Fund--State Appropriation (FY 2001) \$ ((404,000))
 479,000
TOTAL APPROPRIATION \$ ((810,000))
 910,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of House Bill No. 2344 (community supervision caseloads).

Sec. 130. 1999 c 309 s 140 (uncodified) is amended to read as follows:
FOR THE MUNICIPAL RESEARCH COUNCIL
 General Fund--State Appropriation (FY 2000) \$ 1,766,000
 ((General Fund--State Appropriation (FY 2001)) \$ 1,822,000))
 City and Town Research Services Account--State Appropriation \$ 1,699,000
 County Research Services Account--State Appropriation \$ 681,000
TOTAL APPROPRIATION \$ ((4,269,000))
 4,146,000

Sec. 131. 1999 c 309 s 144 (uncodified) is amended to read as follows:
FOR THE INSURANCE COMMISSIONER
 General Fund--Federal Appropriation \$

Insurance Commissioners Regulatory Account--State Appropriation \$	304,000
	((24,738,000))
	<u>25,366,000</u>
TOTAL APPROPRIATION \$	
	((25,042,000))
	<u>25,670,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the insurance commissioner's regulatory account appropriation is provided solely for funding agreements with insurance companies, to counsel policyholders and administer the liquidation of insurance companies.

(2) \$730,000 of the insurance commissioner's regulatory account appropriation is provided solely for performing market conduct exams on life and annuity policies.

(3) \$306,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5509 (Holocaust insurance enforcement). Expenditures from this amount shall not exceed regulatory revenues received under the bill. If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$167,000 of the insurance commissioners regulatory account is provided solely to implement Second Substitute Senate Bill No. 6199 (patient bill of rights). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(5) \$320,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6067 (individual health insurance coverage).

(6) \$141,000 of the insurance commissioner's regulatory account appropriation is provided solely for ongoing actuarial support for life insurance financial examinations.

PART II HUMAN SERVICES

Sec. 201. 1999 c 309 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2000, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2000 among programs after approval by the director of financial management. However,

the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2000 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, voluntary placement, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

Sec. 202. 1999 c 309 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$	((207,273,000))
	<u>196,694,000</u>
General Fund--State Appropriation (FY 2001) \$	((223,208,000))
	<u>214,000,000</u>
General Fund--Federal Appropriation \$	((337,357,000))
	<u>355,146,000</u>
General Fund--Private/Local Appropriation \$	400,000
Violence Reduction and Drug Enforcement Account--State Appropriation \$	4,194,000
<u>Public Safety and Education Account--State Appropriation \$</u>	<u>457,000</u>
TOTAL APPROPRIATION \$	((772,432,000))
	<u>770,891,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$594,000 of the general fund--state appropriation for fiscal year 2000, \$1,964,000 of the general fund--state appropriation for fiscal year 2001, and \$195,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 5557 (the HOPE act) or sections 10 through 29 of Engrossed Second Substitute House Bill No. 1493. If neither bill is enacted by June 30, 1999, the funds shall be provided for:

(a) The department to contract for 10 temporary residential placements, for up to 30 days, for youth by June 30, 2000, and for 29 temporary residential placements for youth by June 30, 2001. These youth shall be sixteen to eighteen years old who are dependents of the state, and who live outdoors or in unsafe locations not intended for occupancy by a minor, and whose permanency plan of care does not include return to home or family reunification. The department shall contact the missing children's clearinghouse regarding these youth. The department may approve placements for fourteen and fifteen-year olds who also meet these criteria. Youth who receive these placements may receive one or more of the following services: Educational services, vocational training, job readiness assistance, job search assistance, chemical dependency treatment, and counseling; and

(b) For the department to contract for 10 residential placements for dependent youth by June 30, 2000, and for 29 residential placements for youth by June 30, 2001. These youth shall be aged sixteen through eighteen who live outdoors or in unsafe locations not intended for occupancy by a

minor, and whose permanency plan does not include return to home or family reunification. These placements may be available to youth up to eighteen years of age. Youth who receive these placements shall receive training related to one or more of the following: Basic education, employment, money management and other skills that will assist the youth in developing independent living skills.

(2) ~~(((\$2,745,000))~~ \$2,191,000 of the fiscal year 2000 general fund--state appropriation, ~~(((\$2,745,000))~~ \$2,191,000 of the fiscal year 2001 general fund--state appropriation, and ~~(((\$1,944,000))~~ \$1,540,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services." The reduction in funds assumed in this section is intended to realign the appropriation with actual service levels and expenditures and is not intended to reduce the current level of intensive family preservation services across the state.

(3) \$670,925 of the general fund--state fiscal year 2000 appropriation and \$670,925 of the general fund--state fiscal year 2001 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(4) \$513,000 of the general fund--state fiscal year 2000 appropriation and \$513,000 of the general fund--state fiscal year 2001 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(5) ~~(((\$3,440,000 of the general fund--state appropriation for fiscal year 2000 and \$3,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per petition processing costs nor shall it penalize counties with lower than average per petition processing costs.~~

(6) ~~Each quarter during the 1999-01 fiscal biennium, each county shall report the number of petitions processed and the total costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.)~~
\$140,000 of the fiscal year 2001 state general fund appropriation is provided solely for the department to establish and maintain a toll-free telephone number and an electronic on-line system for communication of information regarding child day-care centers and family day-care providers. This number shall be available during standard business hours, and during nonbusiness hours callers shall be able to leave messages. The number shall be published in reasonably available printed and electronic media. The number shall be easily identifiable as a method that callers may use to determine whether a day-care provider is licensed, determine whether a day-care provider is in good standing regarding licensing requirements, determine the general nature of enforcement actions against the provider, obtain information on how to report suspected or observed noncompliance with licensing requirements, obtain information on how to report health, safety, and welfare concerns, receive follow-up assistance including information on the office of the family and children's ombudsman, and receive referral information on other agencies or entities that may be of further assistance to the caller. Upon request,

the department shall disclose the receipt, general nature, current status and resolution of all complaints on record with the department after the effective date of this section against a child day-care center or family day-care provider that result in an enforcement action. The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers consistent with chapter 42.17 RCW. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

~~((7))~~ (6) \$2,311,000 of the fiscal year 2000 general fund--state appropriation, \$2,370,000 of the fiscal year 2001 general fund--state appropriation, and \$4,182,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks.

~~((8))~~ (7) \$90,000 of the general fund--state appropriation for fiscal year 2000, \$91,000 of the general fund--state appropriation for fiscal year 2001, and \$64,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1619 (foster parent reimbursements). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

~~((9))~~ (8) \$121,000 of the general fund--state appropriation for fiscal year 2000, \$101,000 of the general fund--state appropriation for fiscal year 2001, and \$80,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1668 (foster parent training). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

~~((10))~~ (9) \$213,000 of the general fund--state appropriation for fiscal year 2000, \$93,000 of the general fund--state appropriation for fiscal year 2001, and \$78,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$348,000 of the general fund--federal appropriation is provided solely for the department to determine the character of persons who have unsupervised access to children in care, including exempt child care providers defined in RCW 74.15.020, through a conviction record and pending charges check at the Washington state patrol, in order to authorize payment for care. If a check through the Washington state patrol or the federal bureau of investigation has been completed within the preceding year of the department's request, the department may rely upon the previous check for persons who confirm no offenses have been committed within the last year. Further, the appropriation is provided to the department to implement a waiver process and administrative hearing review process for exempt child care providers whose background check may otherwise disqualify them. This subsection does not establish any obligation, duty, or cause of action.

(11) \$457,000 of the public safety and education account is provided to train service providers in serving and advocating for domestic violence victims with disabilities, monitor batterer treatment programs for compliance with certification standards, fund domestic violence services to underserved populations, and support the fatality review process.

(12) \$2,214,000 of the general fund--state appropriation for fiscal year 2001 and \$686,000 of the general fund--federal appropriation are provided solely for an increase in the combined adoption support and foster care caseloads. Of the amounts provided in this subsection, \$1,107,000 shall not be expended if the total expenditures for these programs or per capita expenditures for fiscal year 2000 or for the first quarter of fiscal year 2001 for any portion of these caseloads exceed the November 1999 expenditure forecast and the department does not provide a detailed report comparing the forecasted and actual expenditures per case by rate payment category and the reasons for each overexpenditure by December 1, 2000, to the appropriate policy and fiscal committees of the legislature.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for allocation, without deduction for administrative costs by the department, to the educational institute for rural families to ensure continued seasonal child care in region two of the department. These funds are not intended to supplant the contracted rate of reimbursement or the total reimbursement for the provision of seasonal child care by this provider.

(14) \$174,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a foster parent retention pilot program. This program will be directed at foster parents caring for children who act out sexually, as described in House Bill No. 2709 (foster parent retention program).

(15) The amounts provided in this section are sufficient to implement Engrossed Second Substitute Senate Bill No. 6400 (domestic violence).

Sec. 203. 1999 c 309 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2000) \$

~~((32,816,000))~~

35,379,000

General Fund--State Appropriation (FY 2001) \$

~~((34,094,000))~~

38,283,000

General Fund--Federal Appropriation \$

~~((8,072,000))~~

9,732,000

General Fund--Private/Local Appropriation \$

380,000

Juvenile Accountability Incentive Account--Federal Appropriation \$

~~((5,427,000))~~

6,548,000

Public Safety and Education Account--State Appropriation \$

10,700,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$

~~((21,034,000))~~

20,977,000

TOTAL APPROPRIATION \$

~~((101,823,000))~~

121,999,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$666,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$5,742,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(c) \$1,161,000 of the general fund--state appropriation for fiscal year 2000, \$1,162,000 of the general fund--state appropriation for fiscal year 2001, \$5,000,000 of the violence reduction and drug enforcement account appropriation, and \$177,000 of the juvenile accountability incentive account--

federal appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(d) (~~(\$2,507,000)~~) \$2,419,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(e) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(f) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(g) \$75,000 of the general fund--state appropriation for fiscal year 2000 (~~(is)~~) and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a contract for expanded services of the teamchild project.

(h) \$75,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the Skagit county delinquency prevention project.

(i) \$350,000 of the general fund--state appropriation for fiscal year 2000, \$735,000 of the general fund--state appropriation for fiscal year 2001, \$229,000 of the general fund--federal appropriation, and \$673,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(j) (~~(\$1,191,000 of the general fund--state appropriation for fiscal year 2000, \$1,191,000 of the general fund--state appropriation for fiscal year 2001 and \$356,000 of the general fund--federal appropriation are provided solely for parole services for lower risk youth.)~~) No later than January 1, 2001, the Washington state institute for public policy shall report to the legislature on the outcomes of low and moderate risk juvenile rehabilitation administration offenders who were released without supervision compared to those who were released with supervision. The study shall compare both the recidivism rates as well as the nature of any new criminal offenses each group commits. The legislature shall consider the results of this study in making any decision to continue or revise parole services for this group of offenders.

(k) \$16,000 of the general fund--state appropriation for fiscal year 2000 and \$16,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5214 (firearms on school property). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse. The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of Substitute Senate Bill No. 5214 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(l) \$3,440,000 of the general fund--state appropriation for fiscal year 2000 and \$3,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(m) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. To the extent that distributions made under (l) and (m) of this subsection and pursuant to section 801 of this act exceed actual costs of processing truancy, children in need of services, and at-risk youth petitions, the department, in consultation with the respective juvenile court administrator and the county, may approve expenditure of funds provided in this subsection on other costs of the civil or criminal justice system. When this occurs, the department shall notify the office of financial management and the legislative fiscal committees. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per petition processing costs nor shall it penalize counties with lower than average per petition processing costs.

(n) \$4,700,000 of the public safety and education account appropriation is provided solely for distribution to counties pursuant to stipulation and agreed-to order of dismissal in Thurston county superior court case number 98-2-02458. The department shall not retain any portion of these funds to cover administrative or any other departmental costs.

(o) The distributions made under (l), (m), and (n) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(p) Each quarter during the 1999-01 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(q) \$31,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to section 204 of this 2000 act.

<u>(2) INSTITUTIONAL SERVICES</u>	
General Fund--State Appropriation (FY 2000) \$	((47,599,000))
	<u>46,815,000</u>
General Fund--State Appropriation (FY 2001) \$	((48,799,000))
	<u>48,061,000</u>
General Fund--Private/Local Appropriation \$	740,000
Violence Reduction and Drug Enforcement Account--State Appropriation \$	15,282,000
TOTAL APPROPRIATION \$	((112,420,000))
	<u>110,898,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$37,000 of the general fund--state appropriation for fiscal year 2000 and \$74,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted

service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(3) PROGRAM SUPPORT	
General Fund--State Appropriation (FY 2000) \$	1,419,000
General Fund--State Appropriation (FY 2001) \$	((1,418,000))
	<u>1,421,000</u>
General Fund--Federal Appropriation \$	((320,000))
	<u>317,000</u>
Juvenile Accountability Incentive Account--Federal Appropriation \$	1,100,000
Violence Reduction and Drug Enforcement Account--State Appropriation \$	421,000
TOTAL APPROPRIATION \$	4,678,000

NEW SECTION. **Sec. 204.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE OFFENDER CO-OCCURRING DISORDER PILOT PROGRAM

\$867,000 from the juvenile accountability incentive account--federal is appropriated to the department of social and health services, juvenile rehabilitation administration, community services program, solely to implement a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders. The secretary shall select and contract with a private or nonprofit provider to provide a program of specialized access and integrated services to juvenile offenders who are identified as having co-occurring disorders and selected for participation in the pilot program prior to release from total confinement within the juvenile rehabilitation administration. The program shall enroll no more juvenile offenders than the number that can be accommodated within the appropriated funding level and shall seek to fill any vacancies that occur.

Juvenile offenders identified by the secretary and selected by the program as having co-occurring disorders and a high risk of reoffending are eligible for consideration for enrollment in the program.

(1) Criteria for admission into the program shall include a determination by the secretary that the offender:

- (a) Has a mental disorder as defined in chapter 71.05 RCW, or is a severely emotionally disturbed child or a seriously disturbed person as defined in chapter 71.24 RCW and needs continued mental health treatment;
- (b) Has a chemical abuse disorder, as determined by the secretary;
- (c) Is less likely to reoffend if he or she receives integrated, highly individualized treatment;
- (d) Is unable or unlikely to obtain appropriate treatment from other sources; and
- (e) Will remain under the supervision of the secretary for at least four months following release from total confinement.

(2) The program enrollment shall, to the extent possible, reflect the demographics of juvenile offenders having co-occurring disorders and who are in total confinement under the jurisdiction of the secretary.

(3) The provider shall provide research-based, integrated, and highly individualized mental health and chemical abuse treatment to persons enrolled in the program. The services shall emphasize family and community involvement and shall be aimed at:

- (a) Lowering the risk of reoffending;
 - (b) Improving the education level and vocational opportunities;
 - (c) Connecting the offenders with appropriate community services;
 - (d) Achieving abstinence from unlawful use of controlled substances and alcohol;
 - (e) Improving the mental health status and stability of the juvenile; and
 - (f) Increasing prosocial behavior.
- (4) The services offered in the program shall:
- (a) Include intensive, community-based case management and treatment with a client-to-staff ratio not to exceed seven offenders to each case manager;
 - (b) Be available at any time;
 - (c) Be based on a collaboration with the appropriate department employees during the preparation of a release plan for the offender, prior to discharge, and in on-going supervision of the offender by the secretary;
 - (d) Include all appropriate medications, including the full range of psychotropic medications, as well as monitoring and counseling to support offender understanding, acceptance, and compliance with medication regimens;
 - (e) Include a systematic effort to engage offenders and their families, where possible, to continuously involve themselves in current and long-term treatment and appropriate rehabilitative activities;
 - (f) Include classes appropriate to the clinical and living needs of the offender and to his or her level of understanding;
 - (g) Provide assistance in applying for all appropriate federal, state, and private support for which the offender or his or her family is eligible; and
 - (h) Include access to daily activities such as school, drop-in centers, prevocational and vocational training and jobs, and volunteer activities.
- (5) The pilot program must begin providing services to selected juveniles no later than September 1, 2000.

Sec. 205. 1999 c 309 s 205 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS	
General Fund--State Appropriation (FY 2000) \$	((166,271,000))
	<u>165,723,000</u>
General Fund--State Appropriation (FY 2001) \$	((174,541,000))
	<u>179,190,000</u>
General Fund--Federal Appropriation \$	((306,547,000))
	<u>305,644,000</u>
General Fund--Local Appropriation \$	1,827,000
<u>Health Services Account Appropriation \$</u>	<u>1,225,000</u>
TOTAL APPROPRIATION \$	((649,186,000))
	<u>653,609,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) (~~(\$600,000)~~) \$711,000 of the general fund--state appropriation for fiscal year 2000 and (~~(\$616,000)~~) \$757,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to directly reimburse eligible providers for the medicaid share of mental health services provided to persons eligible for both medicaid and medicare.

(d) \$64,000 of the general fund--state appropriation for fiscal year 2000 and \$150,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for regional support networks to participate in prerelease treatment planning and to conduct involuntary commitment evaluations, as required by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(e) \$5,000 of the general fund--state appropriation for fiscal year 2000 and \$466,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for case management and other community support services, as authorized by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a pilot project demonstrating new and collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of WAC 275-57. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; (ii) protocols, guidelines, and handbooks suitable for use by other school districts and regional support networks seeking to replicate the pilot project's approach; and (iii) intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) \$47,000 of the general fund--state appropriation for fiscal year 2000 and \$47,000 of the general fund--state appropriation for fiscal year 2001 are provided for implementation of Substitute Senate Bill No. 5214 (firearms on school premises). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

(h) The general fund--state appropriation for fiscal year 2001 includes \$1,891,000 to replace federal funding for outpatient services which is no longer available due to the reduction in the federal medical assistance percentage. The department shall distribute these additional state funds among the regional support networks according to each regional support network's capitation rate by eligibility category.

(i) The appropriations in this subsection include an increase in funding for medicaid outpatient services as a result of the forecasted increase in the number of persons eligible for medicaid over the number previously budgeted. The department shall distribute these additional appropriations among the regional support networks according to each regional support network's capitation rate by eligibility category.

(j) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated, disproportionate uncompensated care; start-up

grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i)(A) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity; (B) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; (C) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended; and (D) used to support strategies which can be sustained during the 2001-03 biennium at a state cost no more than 100 percent greater than the amount provided in this subsection. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed: (ii)(A) That, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against the state for the rate of state reimbursement for inpatient psychiatric care; and (B) that the provider will maintain or enhance its inpatient psychiatric treatment capacity throughout the period ending June 30, 2001, or for the duration of the funding, whichever is later. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(k) \$1,000,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2663 (atypical antipsychotic medications). If Substitute House Bill No. 2663 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse. Prior to implementing the projects established in the bill, the department shall report to the appropriate policy and fiscal committees of the legislature on proposed medication delivery and monitoring systems and arrangements for obtaining manufacturer discounts or rebates. No more than \$175,000 of the funds provided in this subsection may be used for state and contractor start-up, evaluation, and administration of the projects, and no more than \$100,000 of that amount may be for ongoing costs which continue beyond fiscal year 2001. The department may transfer and allot the state component of such administrative costs to its mental health program support subprogram. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) \$	((69,946,000))
	<u>69,797,000</u>
General Fund--State Appropriation (FY 2001) \$	((69,932,000))
	<u>72,279,000</u>
General Fund--Federal Appropriation \$	((138,825,000))
	<u>141,129,000</u>
General Fund--Private/Local Appropriation \$	((29,456,000))
	<u>29,809,000</u>
TOTAL APPROPRIATION \$	((308,159,000))
	<u>313,014,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall use general fund--local appropriations in this subsection to establish a third-party revenue incentive pool, which shall be used for staff-initiated projects which will increase the quality of care at the state hospitals. For fiscal year 2000, the incentive pool shall be (i) the first \$200,000 by which revenues from third-party payers exceed (~~(\$27,800,000)~~) \$28,000,000; and (ii) fifty percent of any amounts beyond (~~(\$28,000,000)~~) \$28,200,000, up to a maximum of \$500,000. For fiscal year 2001, the incentive pool shall be (iii) the first \$350,000 by which third-party revenues exceed (~~(\$29,050,000)~~) \$28,480,000; and (iv) fifty percent of any amounts beyond (~~(\$29,400,000)~~) \$28,830,000, up to a maximum of \$700,000. For purposes of this subsection, "third-party revenues" does not include disproportionate share hospital payments or the federal share of salaries and benefit allocations. The department may establish separate incentive pools for each hospital. The department may also divide the annual revenue target into quarterly goals, and make funds available from the incentive pool on a quarterly basis.

(d) \$444,000 of the general fund--state appropriation for fiscal year 2000, \$1,866,000 of the general fund--state appropriation for fiscal year 2001, \$196,000 of the general fund--private/local appropriation, and \$157,000 of the general fund--federal appropriation are provided for improved, more specialized care for persons with developmental disabilities during their treatment for a psychiatric illness at the state hospitals.

(e) By March 1, 2001, the department shall modify the treatment approach on at least two state hospital wards to more cost-effective models of care. The models shall place greater emphasis upon community transition, or upon long-term support, than upon intensive psychiatric rehabilitation for residents for whom such an alternative model of care is determined appropriate by their treatment team. The alternative treatment approaches may include closure of a ward and use of hospital staff to provide transitional community services, in coordination with the regional support networks.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2000) \$	((8,665,000))
	<u>10,895,000</u>
General Fund--State Appropriation (FY 2001) \$	((9,524,000))
	<u>11,940,000</u>
<u>Violence Reduction and Drug Enforcement Account--State Appropriation \$</u>	<u>14,000,000</u>
TOTAL APPROPRIATION \$	((18,189,000))
	<u>36,835,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the fiscal committees of the legislature by October 1, 1999, on plans for increasing the efficiency of staffing patterns at the civil commitment center sufficiently to operate within authorized staffing and expenditure levels.

(b) The violence reduction and drug enforcement account appropriation is provided solely for deposit into the state building and construction account for design and construction of a new special commitment center facility (capital project 00-2-001). These funds shall not be transferred for other purposes as otherwise provided in section 201(3)(b) of this act. The amount provided in this subsection is subject to the review and allotment procedures under sections 902 and 903 of chapter 379, Laws of 1999. In accordance with section 909 of chapter 379, Laws of 1999, the department of corrections is responsible for project management.

(4) SPECIAL PROJECTS	
General Fund--State Appropriation (FY 2000) \$	444,000
General Fund--State Appropriation (FY 2001) \$	443,000
General Fund--Federal Appropriation \$	3,282,000
TOTAL APPROPRIATION \$	4,169,000

(5) PROGRAM SUPPORT	
General Fund--State Appropriation (FY 2000) \$	2,612,000
General Fund--State Appropriation (FY 2001) \$	2,706,000
General Fund--Federal Appropriation \$	3,227,000
TOTAL APPROPRIATION \$	8,545,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) By December 1, 1999, the department shall provide the fiscal committees of the legislature with an independent assessment of options for increasing the efficiency and effectiveness of current systems and organizational structures for billing third-party payers for hospital services.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$120,000 of the general fund federal appropriation are provided solely for the institute for public policy to evaluate the impacts of Substitute Senate Bill No. 5011 (mentally ill offenders), and of chapter 297, Laws of 1998 (commitment of mentally ill persons). If Substitute Senate Bill No. 5011 is not enacted by June 30, 1999, one-half of each of these amounts shall lapse.

Sec. 206. 1999 c 309 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES	
General Fund--State Appropriation (FY 2000) \$	((183,530,000))
	<u>185,473,000</u>
General Fund--State Appropriation (FY 2001) \$	((197,412,000))
	<u>205,593,000</u>
General Fund--Federal Appropriation \$	((319,962,000))
	<u>325,535,000</u>
Health Services Account--State Appropriation \$	262,000
TOTAL APPROPRIATION \$	((701,166,000))
	<u>716,863,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$127,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$3,100,000 of the general fund--state appropriation for fiscal year 2000, \$4,650,000 of the general fund--state appropriation for fiscal year 2001, and \$8,250,000 of the general fund--federal appropriation are provided solely to increase services and supports for people with developmental disabilities. These funds shall be expended in accordance with priorities established by the stakeholder advisory group established in accordance with chapter 216, Laws of 1998 (developmental disabilities), except that (i) at least ~~((60))~~ 50 percent of these amounts must be used to increase the number of people receiving residential, employment, family support, or other direct services; (ii) the services and supports must be designed and implemented such that the cost of continuing them in the 2001-03 biennium does not exceed \$19.2 million, of which no more than \$9.3 million is from state funds; and (iii) strong consideration shall be given to the need for increased wages for direct care workers in contracted residential programs.

(c) \$413,000 of the general fund--state appropriation for fiscal year 2000, \$1,172,000 of the general fund--state appropriation for fiscal year 2001, and \$694,000 of the general fund--federal appropriation are provided solely for employment, or other day activities and training programs, for young people who complete their high school curriculum in 1999 or 2000.

~~(d) \$1,919,000 of the general fund--state appropriation for fiscal year 2000, ((\$2,892,000 of the general fund--state appropriation for fiscal year 2001, and \$4,992,000 of the general fund--federal appropriation are provided solely for alternatives for persons who would otherwise be at substantial risk of state psychiatric hospitalization. The department shall use these funds and other resources appropriated in this section and in section 205(1) of this act to assure that the average number of persons with developmental disabilities in the state hospitals does not exceed sixty six per day during the first biennial quarter; sixty per day during the second; fifty four per day during the third; and forty eight per day during the final quarter of the 1999-2001 biennium. The developmental disabilities program shall transfer \$285 of the general fund--state appropriation to the mental health program for each bed day by which these quarterly targets are exceeded.)~~ \$6,673,000 of the general fund--state appropriation for fiscal year 2001, and \$7,361,000 of the general fund--federal appropriation are provided solely to improve services for persons with developmental disabilities who would otherwise be at risk of needing involuntary commitment to or prolonged treatment at state psychiatric hospitals. The department shall use these funds to enhance the community crisis response system managed by regional support networks, improve crisis prevention and stabilization services through the developmental disabilities community services system, and expand community residential capacity for persons with developmental disabilities who are ready for discharge from state psychiatric hospitals. Funding for community residential capacity is sufficient to move a biennium total of 48 patients out of the state hospitals at a reasonable pace by June 30, 2001. The department shall manage the intensity of services provided so that the average cost per day does not exceed \$300 per person placed in this expanded community residential capacity. The department shall report to the appropriate committees of the legislature progress towards implementing this subsection after each calendar quarter. The legislature finds that, in addition to the appropriations in this subsection for improvements in services to persons with developmental disabilities who are committed to the custody of the secretary under chapter 71.05 RCW, it is necessary to study long-term treatment alternatives and their legal, fiscal, and policy implications. Therefore, the department shall provide a report to the ways and means committee of the senate and the appropriations committee of the house of representatives by December 1, 2000, containing options and recommendations for secure treatment programs. The report shall identify various treatment models that could be implemented and various types and locations of secure facilities, both state-owned and leased, in which programs could be sited, together with the department's recommendations. The report shall evaluate the potential for siting such programs on the grounds of existing state residential habilitation centers. The report shall also include analysis of advantages and

disadvantages associated with contracting for some or all of the new program options identified. The report shall evaluate the options based on short-term and long-term costs, client and community security, efficiency of coordination with other service delivery systems, and how they address specific legal issues. In developing this report, the department shall invite participation by representatives of the Washington protection and advocacy system (WPAS), and shall include in the report WPAS' position on options and recommendations submitted by the department and any additional recommendations made by WPAS. The legislature recognizes a need to improve long-term services provided to individuals with developmental disabilities who are undergoing involuntary treatment under chapter 71.05 RCW. The legislature is committed to providing resources necessary to address issues in the U.S. District Court case of *Allen v. Western State Hospital*.

(e) \$513,000 of the general fund--state appropriation for fiscal year 2000, \$1,421,000 of the general fund--state appropriation for fiscal year 2001, and \$2,033,000 of the general fund--federal appropriation are provided to develop and operate secure residential and day program placements for persons who seem likely to pose a significant risk to the public safety if their current residential arrangement were to continue.

(f) \$209,000 of the general fund--state appropriation for fiscal year 2000, \$664,000 of the general fund--state appropriation for fiscal year 2001, and \$939,000 of the general fund--federal appropriation are provided to increase wages as required by Initiative No. 688 (state minimum wage) for contracted adult family homes, adult residential care facilities, hourly and daily family support providers, and hourly attendant care providers.

(g) \$1,978,000 of the general fund--state appropriation for fiscal year 2000, \$4,475,000 of the general fund--state appropriation for fiscal year 2001, and \$6,989,000 of the general fund--federal appropriation are provided solely to increase compensation for individual and agency home care workers. Payments to individual providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to be increased to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(h) Within amounts appropriated in this subsection, the developmental disabilities program shall contract for a pilot program to test an alternative service delivery model for persons with autism. The department must use a competitive process to determine the site of the pilot. The pilot program must be time-limited and subject to an evaluation of client outcomes to determine the effectiveness and efficiency of the pilot program compared to the standard service model for persons with autism.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2001 and \$160,000 of the general fund--federal appropriation are provided solely for increased family support services and related case management support.

(2) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 2000) \$	66,076,000
General Fund--State Appropriation (FY 2001) \$	((66,184,000))
	<u>67,478,000</u>
General Fund--Federal Appropriation \$	((147,776,000))
	<u>146,482,000</u>
General Fund--Private/Local Appropriation \$	10,227,000
TOTAL APPROPRIATION \$	290,263,000

(3) PROGRAM SUPPORT	
General Fund--State Appropriation (FY 2000) \$	2,431,000
General Fund--State Appropriation (FY 2001) \$	2,435,000
General Fund--Federal Appropriation \$	2,080,000
TOTAL APPROPRIATION \$	6,946,000

(4) SPECIAL PROJECTS	
General Fund--Federal Appropriation \$	12,007,000

Sec. 207. 1999 c 376 s 3 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$	((452,044,000))
	<u>446,025,000</u>
General Fund--State Appropriation (FY 2001) \$	((476,761,000))
	<u>475,043,000</u>
General Fund--Federal Appropriation \$	((1,001,629,000))
	<u>979,301,000</u>
General Fund--Private/Local Appropriation \$	((4,274,000))
	<u>3,910,000</u>
Health Services Account--State Appropriation \$	2,104,000
TOTAL APPROPRIATION \$	((1,936,812,000))
	<u>1,906,383,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$2,118,000 of the general fund--federal appropriation, \$923,000 of the general fund--state appropriation for fiscal year 2000, and \$958,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week.

Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,640,000 of the general fund--state appropriation for fiscal year 2000 and \$1,640,000 of the general fund--state appropriation for fiscal year 2001, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing Engrossed Second Substitute House Bill No. 1484 (nursing home payment rates), the weighted average nursing facility payment rate for fiscal year 2000 shall be no more than ~~((\$10.36))~~ \$10.85 for the capital portion of the rate and no more than \$108.20 for the

noncapital portion of the rate. For fiscal year 2001, the weighted average nursing facility payment rate shall be no more than ~~(((\$10.57))~~ \$11.44 for the capital portion of the rate and no more than ~~(((\$110.94))~~ \$111.21 for the noncapital portion of the rate. These rates include vendor rate increases, but exclude nurse's aide training.

(4) In addition to the rates set forth in subsection (3), \$286,000 of the general fund--state appropriation for fiscal year 2000~~((, \$574,000 of the general fund--state appropriation for fiscal year 2001,))~~ and ~~(((\$928,000))~~ \$310,000 of the general fund--federal appropriation are provided solely for supplemental rate adjustments for certain nursing facilities. In accordance with RCW 74.46.431, the department shall use these funds to apply an additional economic trends and conditions adjustment factor to the rate of any facility whose total rate allocation would otherwise be less than its April 1, 1999, total rate, adjusted for case-mix changes. This supplemental adjustment factor shall be the percentage by which the facility's April 1, 1999, rate would otherwise exceed the rate calculated in accordance with chapter 74.46 RCW and subsection (3) of this section, except that (a) no adjustment shall be provided for any amounts by which a facility's rate is lower due to a reduction in its facility-average medicaid case-mix score; and (b) the adjustment factor shall be reduced proportionately for all facilities by the percentage by which total supplemental payments would otherwise exceed the funds provided for such payments in this subsection. This subsection applies only to rates paid for services provided between July 1, 1999, and March 31, 2000.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(6) ~~(((\$6,264,000 of the general fund--state appropriation for fiscal year 2000, \$13,860,000 of the general fund--state appropriation for fiscal year 2001, and \$21,795,000 of the general fund--federal appropriation are provided solely))~~ Funds are appropriated in this section to increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to increase to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$280,000 of the general fund--federal appropriation are provided solely for enhancement and integration of existing management information systems to (a) provide data at the local office level on service utilization, costs, and recipient characteristics; and (b) reduce the staff time devoted to data entry.

(8) The department of social and health services shall provide access and choice to consumers of adult day health services for the purposes of nursing services, physical therapy, occupational therapy, and psychosocial therapy. Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(9) \$1,452,000 of the general fund--state appropriation for fiscal year 2000, \$1,528,000 of the general fund--state appropriation for fiscal year 2001, and \$2,980,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1546 (in-home care services). If Second Substitute House Bill No. 1546 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$610,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of Substitute House Bill No. 2454 (caregiver support). If Substitute House Bill No. 2454 is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(11) \$8,000 of the general fund--state appropriation for fiscal year 2000, \$131,000 of the general fund--state appropriation for fiscal year 2001, and \$139,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 2637 (background checks). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

Sec. 208. 1999 c 309 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$	((457,162,000))
	<u>427,742,000</u>
General Fund--State Appropriation (FY 2001) \$	((441,575,000))
	<u>410,913,000</u>
General Fund--Federal Appropriation \$	((1,220,874,000))
	<u>1,229,774,000</u>
General Fund--Private/Local Appropriation \$	((30,838,000))
	<u>30,807,000</u>
TOTAL APPROPRIATION \$	((2,150,449,000))
	<u>2,099,236,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((308,504,000))~~ \$284,083,000 of the general fund--state appropriation for fiscal year 2000, ~~((293,144,000))~~ \$268,114,000 of the general fund--state appropriation for fiscal year 2001, ~~((1,133,782,000))~~ \$1,140,342,000 of the general fund--federal appropriation, and ~~((28,402,000))~~ \$28,371,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the

benefits are designed to support their employment, that there are no time limits on the receipts of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offering them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) Provide \$500,000 from the general fund--state appropriation for fiscal year 2000 and \$500,000 from the general fund--state appropriation for fiscal year 2001 for continuation of the WorkFirst evaluation conducted by the joint legislative audit and review committee.

~~((e))~~ (d) Report to the appropriate committees of the legislature, by December 1, ~~((1999))~~ 2000, how the new federal child support incentive system can be used to maximize federal incentive payments and to support the greatest achievement of WorkFirst program goals. In the event that the department earns federal child support incentive payments in excess of amounts budgeted, the department shall use one-half of those additional funds to offset general fund--state allotments and one-half of those additional funds to improve child support services. The department shall also work with the Washington state association of county clerks to identify ways to protect the confidentiality of social security numbers on court documents needed by the child support enforcement system while ensuring the reliability of this information without significantly increasing the cost to administer the child support system. The department shall report its recommendations for protecting the confidentiality of social security numbers to appropriate committees of the legislature by December 1, 2000.

(e) Provide up to \$500,000 of the general fund--federal appropriation to the office of financial management for a study of rate setting methods and policy for subsidized child care, the best method for coordinating and consolidating child care and early education programs currently funded by state government, and for a review of the various state programs for low-income families with children. The child care rate study shall analyze the effects of rate setting policy on the affordability and quality of the overall child care market. The child care and early education program study shall evaluate how current programs may be coordinated and consolidated to provide the most efficient level of administration, grant funding, and increased accessibility by families who are served by these programs. The study of state programs for low-income families shall compare and contrast eligibility and access to these programs and identify ways to coordinate or consolidate these programs to reduce administrative costs and improve access. The office shall submit a report to the department of social and health services and the appropriate committees of the legislature by December 1, 2000.

(f) Convene a working group that includes stakeholders and recipients of public assistance to establish basic customer service performance measures and goals. The customer service measures and goals will seek to make support for working families a priority. Customer service measures and goals may include, but are not limited to: Hours of operation that allow working families to get services without missing work, reduced wait times, systems for answering and returning phone calls in a timely manner, access to benefits that support work, access to job training and education, and, access to services for families with limited literacy or English skills, and families with special needs. The department shall report to the legislature by January 2001 the establishment of customer service measures and goals, and the departmental actions to assure the goals are being met.

(g) Use existing flexibility in federal and state welfare laws and regulations to support, on a limited basis, longer education and training plans that have a strong likelihood to lead to long-term economic independence for recipient.

(h) Provide up to \$1,400,000 of the general fund--federal appropriation for after-school care for middle school youth through programs such as those described in House Bill No. 2530 (after-school care).

(i) Provide up to \$2,710,000 of the general fund--federal appropriation for training and technical assistance for child care providers seeking training to enable them to competently serve children with special needs as described in House Bill No. 2869 (child care provider training).

(j) Provide \$230,000, or as much thereof as may be necessary, to the department of health to expand the vasectomy project to temporary assistance for needy families clients and their partners until such time as a federal family planning waiver is granted that will cover these services.

(k) Ensure that funds provided in this subsection to implement policies that disregard or exempt a portion of recipients' income are designed to achieve stated WorkFirst program goals and outcomes. Income disregards are effective incentives to help WorkFirst families move towards economic independence. Income disregard policy shall not discriminate based on who the specific employer is.

(2) ((~~\$50,860,000~~) \$43,408,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$50,825,000~~) \$43,386,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed funds provided. The department shall, by July 1, 2000, begin using federal funds provided in subsection (1) of this section, as allowed by federal rules, for the costs of providing income assistance to children with court-appointed guardians or court-appointed custodians.

(3) ((~~\$8,752,000~~) \$5,444,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$8,752,000~~) \$5,632,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) RCW 74.08A.280 permits the department to develop contracts for state-wide welfare-to-work services. Within amounts available in this section, the department shall provide progress reports on the use of such contracting to the fiscal committees of the legislature by January 1, 2001. Each of these reports shall describe the number of current contracts for temporary assistance for needy families (TANF) or WorkFirst services that the department has with community social service providers and a description of the services being provided through each of those contracts.

(5) The legislature finds that, since the passage of the federal personal responsibility and work opportunity act in 1997, Washington's public assistance population has declined dramatically, and that the currently appropriated level for the temporary assistance for needy families program is sufficient for the 1999-01 biennium. The legislature further finds that federal funding for the temporary assistance for needy families program may decrease after the current five-year block grant has expired. The legislature declares that at least \$60,000,000 of the year-end balance in the federal TANF grant shall be held in reserve by the office of financial management at the close of the 1999-01 biennium.

Sec. 209. 1999 c 309 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2000) \$

((21,451,000))

21,338,000

General Fund--State Appropriation (FY 2001) \$

((21,858,000))

General Fund--Federal Appropriation \$	22,101,000
	((90,800,000))
General Fund--Private/Local Appropriation \$	90,373,000
Public Safety and Education Account--State Appropriation \$	1,204,000
	((6,660,000))
Violence Reduction and Drug Enforcement Account--State Appropriation \$	7,102,000
	77,150,000
TOTAL APPROPRIATION \$	((219,123,000))
	219,268,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,960,000 of the general fund--state appropriation for fiscal year 2000 and \$1,960,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for expansion of 50 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$88,000 of the general fund--state appropriation for fiscal year 2001, and \$116,000 of the general fund--federal appropriation are provided solely for activities related to chemical dependency services under subsection 202(1) of this act. If that subsection is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(3) \$1,444,000 of the general fund--state appropriation for fiscal year 2000, \$1,484,000 of the general fund--state appropriation for fiscal year 2001, and \$330,000 of the general fund--federal appropriation are provided for implementation of Engrossed Substitute Senate Bill No. 5480 (drug-affected infants) or sections 1 through 17 of Second Substitute House Bill No. 1574. If legislation expanding services to prevent drug-affected infants is not enacted by June 30, 1999, the amounts provided in this subsection shall be provided solely for the development and implementation of comprehensive programs for alcohol and drug abusing mothers and their young children. The pilot programs shall be implemented in several locations, including at least one rural location. The pilot programs shall also be supported with TANF funds provided in section 208 of this act as a way to reduce prolonged dependency on public assistance for program participants.

(4) \$442,000 of the public safety and education account--state appropriation is provided solely for drug courts that have a net loss of federal grant funding from fiscal year 2000 to fiscal year 2001. The legislature finds that drug courts reduce criminal justice costs for both state and local governments. This appropriation is intended to cover approximately one-half of the lost federal funding. It is the intent of the legislature to provide state assistance to counties to cover a part of lost federal funding for drug courts for a maximum of three years.

Sec. 210. 1999 c 392 s 2 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2000) \$ ~~((722,863,000))~~

General Fund--State Appropriation (FY 2001) \$	<u>744,327,000</u>
	((784,657,000))
General Fund--Federal Appropriation \$	<u>834,864,000</u>
	((2,401,804,000))
General Fund--Private/Local Appropriation \$	<u>2,542,652,000</u>
	((261,534,000))
Emergency Medical Services and Trauma Care Systems Trust Account-- State Appropriation \$	<u>258,616,000</u>
	9,200,000
Health Services Account--State Appropriation \$	<u>487,040,000</u>
	((391,582,000))
TOTAL APPROPRIATION \$	<u>4,876,699,000</u>
	((4,571,641,000))

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.

(2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(4) \$1,647,000 of the general fund--state appropriation for fiscal year 2000 and \$1,672,000 of the general fund--state appropriation for fiscal year 2001 are provided for treatment of low-income kidney dialysis patients.

(5) \$80,000 of the general fund--state appropriation for fiscal year 2000, \$80,000 of the general fund--state appropriation for fiscal year 2001, and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(6) ~~((The department shall adopt a new formula for distributing funds under the low income disproportionate share hospital (LI-DSH) program. Under this new formula, (a) the state's Level 1 trauma center shall continue to receive the same amount of LI-DSH payments as in fiscal year 1999; and (b) a net profitability factor shall be included with other factors to determine LI-DSH payments. The net profitability factor shall inversely relate hospital percent net operating income to payment under the program.~~

(7)) The department shall report to the fiscal committees of the legislature by September 15, 1999, and again by December 15, 1999, on (a) actions it has taken and proposes to take to increase the share of medicare part B premium payments upon which it is collecting medicaid matching funds; (b) the percentage of such premium payments for each month of service subsequent to June 1998 which have been paid with unmatched, state-only funds; and (c) why matching funds could not be collected on those payments.

~~((8))~~ (7) The department shall report to the fiscal committees of the legislature by December 1, 1999, and again by October 1, 2000, on the amount which has been recovered from third-party payers as a result of its efforts to improve coordination of benefits on behalf of "basic health plan-plus" enrollees.

~~((9))~~ (8) The department shall report to the health care and fiscal committees of the legislature by December 1, 1999, on options for controlling the growth in medicaid prescription drug expenditures through strategies such as but not limited to volume purchasing, selective contracting, supplemental drug discounts, and improved care coordination for high utilizers.

~~((10))~~ (9) \$3,992,000 of the health services account appropriation and \$7,651,000 of the general fund--federal appropriation are provided solely for health insurance coverage for children with family incomes between 200 percent and 250 percent of the federal poverty level, as provided in Substitute Senate Bill No. 5416 (children's health insurance program). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

~~((11))~~ \$191,000 of the general fund--state appropriation for fiscal year 2000 and \$391,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of Substitute Senate Bill No. 5587 (patient bill of rights). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

~~((12))~~ (10) Upon approval from the federal health care financing administration, the department shall implement the section 1115 family planning waiver to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level.

~~((13))~~ Except in the case of rural hospitals and Harborview medical center, weighted average payments under the ratio of cost to charges hospital payment system shall increase by no more than 175 percent of the DRI HCFA hospital reimbursement market basket index.

~~((15))~~ (11) In accordance with Substitute Senate Bill No. 5968, ~~((25,978,000))~~ \$70,821,000 of the health services account appropriation for fiscal year 2000, ~~((26,069,000))~~ \$42,041,000 of the health services account appropriation for fiscal year 2001, and ~~((56,002,000))~~ \$120,278,000 of the general fund--federal appropriation, or so much thereof as may be expended without exceeding the medicare upper payment limit, are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. Such payments shall be distributed among the participating rural public hospital districts proportional to the number of days of medicaid-funded nursing home care provided by each district during the preceding calendar year, relative to the total number of such days of care provided by all participating rural public hospital districts. Prior to making any supplemental payments, the department shall first obtain federal approval for such payments under the medicaid state plan. The payments shall further be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least ~~((82))~~ 87 percent of the total supplemental payment amounts received during the 1999-01 fiscal biennium; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$30,000,000 for the 1999-01 biennium.

(12) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(13) \$1,529,000 of the general fund--state appropriation for fiscal year 2000, \$4,077,000 of the general fund--state appropriation for fiscal year 2001, and \$5,394,000 of the general fund--federal appropriation are provided solely for implementation of the settlement negotiated by the department and the attorney general in the case of *Allenmore et al. vs. DSHS*.

(14) From funds provided in this section, the department shall develop disease state management and therapeutic substitution programs which will substantially maintain or enhance the quality of the drug benefit for medical assistance recipients, while controlling overall health care costs. In designing the disease state management programs, the department shall research programs which have proven effective with similar populations in other states, and shall then work with concerned provider and consumer groups to adapt those strategies to Washington's service delivery system. The department shall work with its drug utilization and education council to develop a therapeutic

substitution program for at least two classes of drugs. Under the therapeutic substitution program, the council shall analyze pharmacoeconomic research on the costs and benefits of all drugs within the class, and identify the most cost-effective drug or drugs within the class for placement on the formulary. Other drugs within the class shall be preauthorized when clinically indicated under criteria established by the council. The department shall report to appropriate committees of the legislature by December 1, 2000, prior to implementing its proposed strategies.

(15) \$14,848,000 of the health services account appropriation for fiscal year 2001 and \$15,269,000 of the general fund--federal appropriation are provided solely for additional disproportionate share hospital payments to public hospital districts. Such additional payments shall not be made prior to federal approval of a revision in the medicaid payment methodology for state teaching hospitals, and shall not exceed the increase in medicaid payments which results from that change. The payments shall further be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 77 percent of the additional disproportionate share payment. The participating districts shall retain no more than \$7,000,000 of the additional disproportionate share payment. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state teaching hospitals.

(16)(a) \$49,000 of the general fund--state appropriation for fiscal year 2001 and \$49,000 of the general fund--federal appropriation for fiscal year 2001 are provided solely for the medical assistance administration and the health care authority to jointly conduct a state-wide study to:

(i) Determine payment sources and rates paid for primary health care providers performing outpatient primary care services and primary care in hospital emergency rooms for the state's medical assistance programs, including healthy options, and the basic health plan. To determine payment sources and rates paid, the agencies may seek information in relation to such factors as:

(A) The rates paid to primary care providers for their medical assistance programs, including healthy options, and basic health plan contracts; and

(B) How these rates compare with nonpublic pay clients for the same services.

The agencies are authorized to attain this information from health plans or providers. The agencies shall maintain the confidentiality of data collected for the purpose of the study;

(ii) Determine which primary care providers serve a relatively high number of low-income clients, and how that affects their medical practice. For purposes of the study, "primary care providers" includes pediatricians, family practitioners, general practitioners, internists, physician assistants, and advanced registered nurse practitioners; and

(iii) Develop proposals to support these providers' medical practices. The agencies must determine what constitutes a relatively high percentage of low-income clients for individual primary care providers who contract for medical assistance administration programs, including healthy options, and the basic health plan, and recommend whether and at what point this disproportionately high percentage should result in additional compensation to the primary care provider. The agencies shall recommend a method to calculate a payment adjustment designed to help support medical practices, according to the study's findings.

(b) In conducting the study, the agencies shall determine which regions of the state to include in the study, based on factors the agencies determine will provide the most representative data state-wide. The agencies shall also consult with interested parties, including any organization or agency affected by this subsection, throughout the course of the study.

(c) The agencies shall report to the legislature by December 1, 2000, with the results of the primary health care provider study. The report shall include recommendations on: (i) What constitutes a disproportionately high percentage of low-income clients; (ii) possible payment adjustments for these providers; (iii) methods to implement such a rate adjustment; and (iv) what such a payment adjusted program will cost.

(17) From funds appropriated in this section, the medical assistance program shall assist the Washington state institute for public policy with the assessment of options for expanding medicaid eligibility required in section 607 of this 2000 act. Such assistance shall include analysis of medicaid enrollment and expenditure data needed for enrollment and cost projections; information and advice on

state and federal medicaid requirements; and liaison with state and federal officials in other states undertaking similar expansions.

(18) \$290,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for implementation of the asset exemption provisions of House Bill No. 2686. If these provisions are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 211. 1999 c 309 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2000) \$	((8,960,000))
	<u>8,770,000</u>
General Fund--State Appropriation (FY 2001) \$	((9,078,000))
	<u>8,635,000</u>
General Fund--Federal Appropriation \$	81,906,000
General Fund--Private/Local Appropriation \$	((2,904,000))
	<u>1,865,000</u>
TOTAL APPROPRIATION \$	((102,848,000))
	<u>101,176,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities served by those organizations.

(2) \$190,000 of the general fund--state appropriation for fiscal year 2000, \$240,000 of the general fund--state appropriation for fiscal year 2001, and \$1,590,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals enrolled for services with the developmental disabilities program who complete their high school curriculum in 1999 or 2000.

Sec. 212. 1999 c 309 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2000) \$	((25,695,000))
	<u>26,004,000</u>
General Fund--State Appropriation (FY 2001) \$	((25,200,000))
	<u>20,119,000</u>
General Fund--Federal Appropriation \$	((46,601,000))
	<u>43,227,000</u>
General Fund--Private/Local Appropriation \$	

TOTAL APPROPRIATION \$

720,000

((98,216,000))

90,070,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided for the incremental cost of lease renewals and for the temporary increased costs for relocating staff out of state office building no. 2 (OB2) during the renovation of that building. Of this increase, \$2,400,000 is provided for relocating staff. This amount is recognized as one-time-only funding for the 1999-01 biennium. As part of the 2001-2003 budget request, the department shall update the estimate of increased cost for relocating staff, including specifying what portion of that increase is due to providing more square footage per FTE in the new leased space compared to the space occupied previously.

(2) The department may transfer up to \$528,000 of the general fund--state appropriation for fiscal year 2000, \$1,057,000 of the general fund--state appropriation for fiscal year 2001, and \$812,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs to implement administrative reductions.

(3) The department may transfer and allot up to \$5,560,000 of the general fund--state appropriation for fiscal year 2001 and \$3,518,000 of the general fund--federal appropriation to the administration and supporting services program from various other programs in the department to achieve fiscal reductions assumed in this section. In selecting reductions in the various other programs, the department shall place a higher priority on reductions in administrative support functions as opposed to direct client services. Reductions in positions providing direct client services shall be implemented only if those reductions can be justified by reduced workload or through reorganization or other efficiencies that do not result in a risk of failing to meet federal or state certification or licensing standards. In achieving the level of savings assumed in this subsection, the department shall not eliminate or reduce funding and/or staff that would shift or transfer filing or appeal workload to superior courts. By September 1, 2000, the department shall report its plan to implement the savings in this section to the fiscal committees of the legislature.

(4) \$187,000 of the general fund--state appropriation for fiscal year 2000, \$746,000 of the general fund--state appropriation for fiscal year 2001, and \$2,251,000 of the general fund--federal appropriation are provided to implement a new fraud and abuse detection system. By December 1, 2000, the department shall provide a report to the fiscal committees of the legislature that will include: The actual cost recovery in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost avoidance in fiscal year 1999 and fiscal year 2000, prior to implementation of the new fraud and abuse detection system; actual cost recovery and actual cost avoidance achieved to date after implementation in fiscal year 2000 and 2001, compared to the savings included in sections 202, 205, 206, and 209 of this 2000 act; and the criteria and methodology used for determining cost recovery and cost avoidance.

Sec. 213. 1999 c 309 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2000) \$

((30,790,000))

31,190,000

General Fund--State Appropriation (FY 2001) \$

((30,719,000))

31,225,000

General Fund--Federal Appropriation \$

((22,747,000))

TOTAL APPROPRIATION \$	<u>21,932,000</u>
	((84,256,000))
	<u>84,347,000</u>

Sec. 214. 1999 c 309 s 214 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2000) \$	6,441,000
General Fund--State Appropriation (FY 2001) \$	6,563,000
State Health Care Authority Administrative Account--State Appropriation \$	((39,585,000))
	<u>16,705,000</u>
Health Services Account--State Appropriation \$	((414,159,000))
	<u>415,293,000</u>
General Fund--Federal Appropriation \$	4,501,000
TOTAL APPROPRIATION \$	((471,249,000))
	<u>449,503,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections ~~((205))~~ 206 and ~~((206 of chapter 149, Laws of 1997))~~ 207 of this 2000 act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(4) \$442,000 of the state health care authority administrative account appropriation is provided solely for the uniform medical plan to contract for the following services: (a) A provider profiling system; (b) a waste, fraud, and abuse monitoring and information system; (c) an optional case management program; and (d) hospital audits. The health care authority may not expend any funds under this subsection until the office of financial management has approved a detailed project plan for expenditure of these funds.

(5) ~~(((\$572,000 of the health services account appropriation is provided solely to implement Substitute Senate Bill No. 5587 (patient bill of rights). If this bill is not enacted by June 30, 1999, this amount shall lapse.))~~ \$33,000 of the health services account appropriation is provided solely for the study to be completed jointly with the department of social and health services, as required by section 210(16) of this 2000 act.

(6) \$111,000 of the state health care authority administrative account appropriation and \$164,000 of the health services account appropriation are provided solely for a study of the agency's insurance information systems.

(7) \$200,000 of the health services account appropriation is provided solely for administration and implementation of premium discounts for enrollees in the Washington state high-risk insurance pool, as authorized by Substitute Senate Bill No. 6067 (health care coverage). If the provisions of Substitute Senate Bill No. 6067 authorizing such premium discounts are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(8) \$150,000 of the health services account appropriation is provided solely for the design and development of administrative systems which would be needed for the health care authority to offer the new plan of health care coverage established by Substitute Senate Bill No. 6067 (health care coverage). If the provisions of Substitute Senate Bill No. 6067 authorizing this new health coverage plan are not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

Sec. 215. 1999 c 309 s 215 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2000) \$

~~((2,536,000))~~

2,567,000

General Fund--State Appropriation (FY 2001) \$

~~((2,550,000))~~

2,580,000

General Fund--Federal Appropriation \$

1,474,000

General Fund--Private/Local Appropriation \$

100,000

TOTAL APPROPRIATION \$

~~((6,660,000))~~

6,721,000

The appropriations in this section are subject to the following conditions and limitations: \$31,000 of the general fund--state appropriation for fiscal year 2000 and \$30,000 of the general fund--state appropriation for fiscal year 2001 are provided to: (1) Educate business owners with seven or fewer employees of the impacts on their business of the state supreme court decision *Roberts v. Dudley* (cause no. 67365-9, February 17, 2000), and (2) provide information on how to meet the requirements of the applicable laws, and how to obtain additional information to meet those requirements.

By July 30, 2000, the commission shall contract with the employment security department to mail information prepared by the commission to those employers identified by the employment security department as having between one and seven employees at the time of the mailing.

By June 30, 2000, the commission shall also establish a special location on its internet web site. The location shall provide information for small businesses on how they are affected by *Roberts v. Dudley* and the state's other laws against discrimination.

By December 1, 2000, the commission shall provide a report to the appropriate committees of the legislature that describes the implementation of this section.

Sec. 216. 1999 c 309 s 217 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--Federal Appropriation \$

100,000

Death Investigations Account--State Appropriation \$

~~((38,000))~~

	148,000
Public Safety and Education Account--State Appropriation \$	((17,469,000))
	17,632,000
TOTAL APPROPRIATION \$	((17,607,000))
	17,880,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the public safety and education account appropriation is provided solely for information technology upgrades and improvements for the criminal justice training commission.

(2) \$481,000 of the public safety and education account appropriation is provided solely for the implementation of provisions of chapter 351, Laws of 1997 (criminal justice training) dealing with supervisory and management training of law enforcement personnel. Within the funds provided in this subsection, the criminal justice training commission shall provide the required training in the least disruptive manner to local law enforcement agencies and may include, but is not limited to, regional on-site training, interactive training, and credit for training given by the home department.

(3) ~~(\$2,092,000)~~ \$1,990,000 of the public safety and education account appropriation is provided solely for expanding the basic law enforcement academy (BLEA) from 469 hours to 720 hours. The funds provided in this subsection are assumed sufficient for the criminal justice training commission to provide expanded BLEA training to 330 attendees in fiscal year 2000 and 660 attendees in fiscal year 2001.

(4) \$180,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (sexually violent offender records). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$276,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) \$50,000 of the public safety and education account appropriation is provided solely for additional domestic violence training courses for 911 operators.

(7) \$215,000 of the public safety and education account appropriation is provided solely for the Washington association of sheriffs and police chiefs to conduct a study of law enforcement services and expenditures for both counties and cities within the county for counties with populations over one hundred fifty thousand. The study shall begin no later than July 1, 2000, and shall be completed by June 30, 2001. The final report shall be distributed by the Washington association of sheriffs and police chiefs to the appropriate standing committees of the legislature. The study shall:

(a) Make recommendations to improve the efficiency of delivering law enforcement services. The recommendations may be made to law enforcement jurisdictions, Washington association of sheriffs and police chiefs, units of local government, and the legislature;

(b) Research, compile, and analyze data sufficient to provide a comprehensive analysis of the costs and total expenditures for law enforcement. These costs include but are not limited to special services, defined as but not limited to: SWAT teams, bomb disposal units, air support, marine units, hostage negotiation teams, homicide investigation units, drug units, canine units, arson investigation teams, computer fraud and forensics units, domestic violence and special assault units, and gang and youth violence units. The study shall identify duplications and inefficiencies in current service delivery;

(c) Obtain data from all local governments on the types of costs identified in (b) of this subsection. This data will be compiled and analyzed by the agency or organization that conducts the study for each county; and

(d) Obtain data from those counties and law enforcement agencies where master interlocal agreements, joint specialty service units, and other cooperative arrangements have been developed

between law enforcement agencies to improve the effectiveness, efficiency, and ensured quality of specialty law enforcement services.

Sec. 217. 1999 c 309 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2000) \$	7,268,000
General Fund--State Appropriation (FY 2001) \$	7,240,000
Public Safety and Education Account--State Appropriation \$	((16,091,000))
	<u>18,756,000</u>
Public Safety and Education Account--Federal Appropriation \$	5,950,000
Public Safety and Education Account--Private/Local Appropriation \$	3,057,000
Electrical License Account--State Appropriation \$	((24,055,000))
	<u>24,402,000</u>
Farm Labor Revolving Account--Private/Local Appropriation \$	28,000
Worker and Community Right-to-Know Account--State Appropriation \$	2,211,000
Public Works Administration Account--State Appropriation \$	2,996,000
Accident Account--State Appropriation \$	((167,736,000))
	<u>167,092,000</u>
Accident Account--Federal Appropriation \$	9,112,000
Medical Aid Account--State Appropriation \$	((170,197,000))
	<u>169,172,000</u>
Medical Aid Account--Federal Appropriation \$	1,592,000
Plumbing Certificate Account--State Appropriation \$	971,000
Pressure Systems Safety Account--State Appropriation \$	2,167,000
TOTAL APPROPRIATION \$	((420,671,000))
	<u>422,014,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title

XIX reimbursement, to the extent this maximizes total funds available for services to crime victims. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods.

(2) \$2,665,000 of the public safety and education account--state appropriation is provided solely for additional costs for client benefits in the crime victims compensation program, provided that no more than \$5,095,000 of the appropriations provided in subsection (1) of this section is expended for department administration of the crime victims compensation program.

(3) From within funds provided, the department shall improve customer service and satisfaction for injured workers by speeding up the process for reporting injuries, and shall enhance vocational rehabilitation services for injured workers.

~~((2) \$123,000 of the accident account--state appropriation and \$22,000 of the medical aid account--state appropriation are provided solely for the implementation of Engrossed Senate Bill No. 5597 (needle stick protection). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(3) \$302,000 of the accident account--state appropriation and \$302,000 of the medical aid account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5439 (false claims). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(4) \$709,000 of the accident account--state appropriation and \$709,000 of the medical aid account--state appropriation are provided solely for the implementation of Engrossed Senate Bill No. 5580 (payments during appeals). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.~~

~~(5) \$481,000 of the medical aid account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5470 (chemically related illnesses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.)~~

Sec. 218. 1999 c 309 s 220 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS	
General Fund--State Appropriation (FY 2000) \$	((1,409,000))
	<u>1,640,000</u>
General Fund--State Appropriation (FY 2001) \$	((1,428,000))
	<u>1,628,000</u>
General Fund--Federal Appropriation \$	134,000
General Fund--Private/Local Appropriation \$	78,000
Industrial Insurance Premium Refund Account--State Appropriation \$	78,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$	2,000
TOTAL APPROPRIATION \$	((3,129,000))
	<u>3,560,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$39,000 of the general fund--state appropriation is provided solely as an additional state contribution toward the cost of constructing a memorial on the state capitol grounds to the men and women who served in the nation's armed forces during the second world war.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for disbursement to the national World War II memorial fund for construction and maintenance of the national monument honoring the men and women from Washington and the other states who served in the nation's armed forces during the second world war.

(c) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to conduct a predesign study for replacement of aging skilled nursing facilities. The predesign study shall comply with the requirements of sections 902 and 903, chapter 379, Laws of 1999.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2000) \$	2,466,000
General Fund--State Appropriation (FY 2001) \$	2,494,000
General Fund--Federal Appropriation \$	26,000
General Fund--Private/Local Appropriation \$	1,495,000
TOTAL APPROPRIATION \$	6,481,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2000) \$	((6,155,000))
General Fund--State Appropriation (FY 2001) \$	5,346,000
General Fund--Federal Appropriation \$	((5,337,000))
General Fund--Private/Local Appropriation \$	4,790,000
TOTAL APPROPRIATION \$	((20,949,000))
	23,002,000
	((14,682,000))
	16,527,000
	((47,123,000))
	49,665,000

Sec. 219. 1999 sp.s. c 12 s 4 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2000) \$	((65,437,000))
General Fund--State Appropriation (FY 2001) \$	62,840,000
	((66,135,000))

General Fund--Federal Appropriation \$	<u>64,284,000</u>
	((268,710,000))
General Fund--Private/Local Appropriation \$	<u>268,032,000</u>
Hospital Commission Account--State Appropriation \$	68,648,000
	((3,128,000))
Health Professions Account--State Appropriation \$	<u>2,378,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account-- State Appropriation \$	37,529,000
State Drinking Water Account--State Appropriation \$	14,856,000
Drinking Water Assistance Account--Federal Appropriation \$	2,531,000
Waterworks Operator Certification--State Appropriation \$	5,456,000
Water Quality Account--State Appropriation \$	593,000
Accident Account--State Appropriation \$	3,124,000
Medical Aid Account--State Appropriation \$	258,000
State Toxics Control Account--State Appropriation \$	45,000
Health Services Account Appropriation \$	2,614,000
	((7,000,000))
Medical Test Site Licensure Account--State Appropriation \$	<u>12,992,000</u>
Youth Tobacco Prevention Account--State Appropriation \$	1,651,000
Tobacco Prevention and Control Account--State Appropriation \$	1,804,000
	((620,000))
	<u>15,620,000</u>
TOTAL APPROPRIATION \$	((550,139,000))
	<u>565,255,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,434,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) The department or any successor agency is authorized to raise existing fees charged to the nursing assistants, podiatrists, and osteopaths; for certificate of need; for temporary worker housing;

for state institution inspection; for residential care facilities and for transient accommodations, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(3) \$339,000 of the general fund--state appropriation for fiscal year 2000, \$339,000 of the general fund--state appropriation for fiscal year 2001, and \$678,000 of the general fund--federal appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse. \$339,000 of the general fund--federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) \$1,685,000 of the general fund--state fiscal year 2000 appropriation and \$1,686,000 of the general fund--state fiscal year 2001 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(5) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(6) \$620,000 of the tobacco prevention and control account appropriation and \$209,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5516 or, if the bill is not enacted, for the development of a sustainable, long-term, comprehensive tobacco control program. The plan shall identify a specific set of outcome measures that shall be used to track long range progress in reducing the use of tobacco. Nationally accepted measures that can be used to compare progress with other states shall be included. The plan shall emphasize programs that have demonstrated effectiveness in achieving progress towards the specified outcome measures. Components of the plan that do not have a record of success may be included, provided that the plan also includes the means of evaluating those components. The plan shall also include an inventory of existing publically funded programs that seek to prevent the use of tobacco, alcohol, or other drugs by children and youth and recommendations to coordinate and consolidate these programs in order to achieve greatest positive outcomes within total available resources. A preliminary plan shall be submitted to the appropriate committees of the legislature by December 1, 1999(~~with the final plan submitted by September 1, 2000~~).

(7) \$2,075,000 of fiscal year 2000 general fund--state appropriation and \$2,075,000 of fiscal year 2001 general fund--state appropriation are provided for the Washington poison center. The department shall require the center to develop a long range financing plan that identifies options for diversifying funding for center operations, including, but not limited to, federal grants, private sector grants and sponsorships, and multistate or regional operating agreements. The plan shall be submitted to the appropriate committees of the legislature by December 1, 2000.

(8) \$50,000 of fiscal year 2000 general fund--state appropriation and \$50,000 of fiscal year 2001 general fund--state appropriation are provided solely for fund raising and other activities for the development of early hearing loss clinics. The development plan for these clinics shall not assume ongoing general fund--state appropriations.

(9) \$15,000,000 of the tobacco prevention and control account appropriation is provided solely for the implementation of a sustainable, long-term tobacco control program. The integrated components of the program may include: Community-based programs, cessation, public awareness and education, youth access, and assessment and evaluation. A final plan will define the sustainable implementation of the long-term program given the remaining available balance in the tobacco

prevention and control account. This plan shall be submitted to the appropriate committees of the legislature by September 1, 2000.

(10) \$24,000 of the fiscal year 2000 general fund--state appropriation and \$117,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 6199 (patient bill of rights). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

Sec. 220. 1999 c 309 s 222 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in chapter 309, Laws of 1999, as amended, shall be expended for the programs and in the amounts specified therein. However, after April 1, 2000, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2000 between the correctional operations and community supervision programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES	
General Fund--State Appropriation (FY 2000) \$	((29,449,000))
	26,064,000
General Fund--State Appropriation (FY 2001) \$	((28,169,000))
	28,022,000
Public Safety and Education Account--State Appropriation \$	((5,216,000))
	2,962,000
<u>Violence Reduction and Drug Enforcement Account Appropriation \$</u>	<u>2,000,000</u>
<u>Cost of Supervision Fund Appropriation \$</u>	<u>2,254,000</u>
TOTAL APPROPRIATION \$	((62,834,000))
	61,302,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~((2,072,000))~~ \$72,000 of the general fund--state appropriation for fiscal year 2000, \$212,000 of the general fund--state appropriation for fiscal year 2001, ~~((and \$5,216,000))~~ \$2,962,000 of the public safety and education account appropriation, \$2,000,000 of the violence reduction drug enforcement account appropriation, and \$2,254,000 of the cost of supervision fund appropriation are provided solely for replacement of the department's offender-based tracking system. These amounts are subject to section 902 of this act.

(b) \$462,000 of the general fund--state appropriation for fiscal year 2000 and \$538,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS
General Fund--State Appropriation (FY 2000) \$

	((363,411,000))
	<u>360,685,000</u>
General Fund--State Appropriation (FY 2001) \$	((364,857,000))
	<u>364,386,000</u>
General Fund--Federal Appropriation \$	((34,393,000))
	<u>35,577,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation \$	1,614,000
<u>Public Health Services Account Appropriation \$</u>	<u>1,884,000</u>
<u>Institutional Welfare Betterment Account Appropriation \$</u>	<u>2,570,000</u>
TOTAL APPROPRIATION \$	((764,275,000))
	<u>766,716,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Not more than \$3,000,000 may be expended to provide financial assistance to counties for monitoring and treatment services provided to felony offenders involved in drug court programs pursuant to sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). The secretary may negotiate terms, conditions, and amounts of assistance with counties or groups of counties operating drug courts, and may review charging and other documents to verify eligibility for payment. The secretary may contract with the division of alcohol and substance abuse, department of social and health services, for monitoring and treatment services provided pursuant to this subsection.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) \$583,000 of the general fund--state appropriation for fiscal year 2000 and \$1,178,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(f) \$151,000 of the general fund--state appropriation for fiscal year 2000 and \$57,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(g) \$18,000 of the general fund--state appropriation for fiscal year 2000 and \$334,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Senate Bill No. 5538 (sentencing) or section 3 of House Bill No. 1544 (sentencing corrections). If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(h) \$171,000 of the general fund--state appropriation for fiscal year 2000 and \$1,094,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(i) The department of corrections shall submit to the appropriate policy and fiscal committees of the senate and house of representatives, by December 15, 1999, a report on how the department plans to manage hepatitis C in the inmate population. In developing the plan, the department shall work with recognized experts in the field and shall take notice of the current national institutes of health hepatitis C guidelines and hepatitis C protocols observed in other correctional settings. Included in the plan shall be offender education about the disease, how and when offenders would be tested, how the disease would be managed if an inmate is determined to have hepatitis C, and an estimate of the number of inmates in the Washington prison system with hepatitis C. The proposed plan must also include recommendations to the legislature on ways to improve hepatitis C disease management and what level of funding would be necessary to appropriately test for and treat the disease.

(j) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following:

(A) Enter into a long-term ground lease or a long-term lease with purchase option for development of a Tacoma prerelease facility for approximately \$360,000 per year. Prior to entering into any lease, the department of corrections shall obtain written confirmation from the city of Tacoma and Pierce county that the prerelease facility planned for the site meets all land use, environmental protection, and community notification requirements.

(B) Enter into a financing contract in the amount of \$21,350,000 to acquire, construct, or remodel a 400-bed, expandable to 600-bed, Tacoma prerelease facility.

(C) Lease-develop with the option to purchase or lease-purchase approximately 100 work release beds in facilities throughout the state for \$7,000,000.

(k) \$1,884,000 of the public health services account appropriation is provided solely for costs associated with the testing, treatment, and other activities related to managing hepatitis C in the inmate population.

(l) \$117,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Second Substitute Senate Bill No. 6255 (anhydrous ammonia). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(m) \$2,570,000 of the institutional welfare betterment account appropriation is provided solely for deposit in the public health services account.

(n) During the 1999-01 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account as of January 1, 2000.

(3) COMMUNITY SUPERVISION
General Fund--State Appropriation (FY 2000) \$

((54,371,000))

General Fund--State Appropriation (FY 2001) \$

48,451,000

((61,321,000))

Public Safety and Education Account--State Appropriation \$

53,787,000

9,861,000

TOTAL APPROPRIATION \$

~~((115,692,000))~~

112,099,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

~~(b) ((\$445,000 of the general fund--state appropriation for fiscal year 2000 and \$6,662,000 of the general fund--state appropriation for fiscal year 2001 are provided solely))~~ Amounts provided in this subsection are sufficient for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). ~~((If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.))~~

(c) \$109,000 of the general fund--state appropriation for fiscal year 2000 and \$126,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5011 (dangerous mentally ill offenders). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(d) \$219,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in Engrossed Second Substitute Senate Bill No. 5421 (offender accountability act) and sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing).

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2000) \$

817,000

General Fund--State Appropriation (FY 2001) \$

~~((3,654,000))~~

3,523,000

Institutional Welfare Betterment Account Appropriation \$

3,509,000

TOTAL APPROPRIATION \$

~~((4,471,000))~~

7,849,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$100,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(b) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2000) \$

~~((12,823,000))~~

General Fund--State Appropriation (FY 2001) \$	12,898,000
	((11,908,000))
	11,983,000
TOTAL APPROPRIATION \$	((24,731,000))
	24,881,000

Sec. 221. 1999 c 309 s 224 (uncodified) is amended to read as follows:
FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2000) \$	803,000
General Fund--State Appropriation (FY 2001) \$	((746,000))
	838,000
TOTAL APPROPRIATION \$	((1,549,000))
	1,641,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(2) \$80,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the sentencing guidelines commission to conduct a comprehensive review and evaluation of state sentencing policy. The review and evaluation shall include an analysis of whether current sentencing ranges and standards, as well as existing mandatory minimum sentences, existing sentence enhancements, and special sentencing alternatives, are consistent with the purposes of the sentencing reform act as set out in RCW 9.94A.010, including the intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender. The review and evaluation shall also examine whether current sentencing ranges and standards are consistent with existing corrections capacity.

The review and evaluation shall consider studies on the cost-effectiveness of sentencing alternatives, as well as the fiscal impact of sentencing policies on state and local government. In conducting the review and evaluation, the commission shall consult with the superior court judges' association, the Washington association of prosecuting attorneys, the Washington defenders' association, the Washington association of criminal defense lawyers, the Washington association of sheriffs and police chiefs, organizations representing crime victims, and other organizations and individuals with expertise and interest in sentencing policy.

Not later than December 1, 2001, the commission shall present to the appropriate standing committees of the legislature the report of its comprehensive review and evaluation, together with any recommendations for revisions and modifications to state sentencing policy, including sentencing ranges and standards, mandatory minimum sentences, and sentence enhancements. If implementation of the recommendations of the commission would result in exceeding the capacity of correctional facilities, the commission shall at the same time present to the legislature a list of revised standard sentence ranges which are consistent with currently authorized rated and operational corrections capacity, and consistent with the purposes of the sentencing reform act.

Sec. 222. 1999 c 309 s 225 (uncodified) is amended to read as follows:
FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2000) \$	1,263,000
General Fund--State Appropriation (FY 2001) \$	1,259,000
General Fund--Federal Appropriation \$	209,498,000
General Fund--Private/Local Appropriation \$	29,135,000
Unemployment Compensation Administration Account--Federal Appropriation \$	((174,343,000))
	<u>169,985,000</u>
Administrative Contingency Account--State Appropriation \$	9,443,000
Employment Service Administrative Account--State Appropriation \$	((16,890,000))
	<u>19,457,000</u>
TOTAL APPROPRIATION \$	((441,831,000))
	<u>440,040,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems project to improve the agency's labor exchange system are conditioned upon compliance with section 902 of this act.

(2) \$327,000 of the unemployment compensation administration account--federal appropriation is provided consistent with section 903(c)(2) of the federal social security act to address deficiencies in the tax and wage information system (TAXIS) and to improve the quality and timeliness of employer tax information and employee wage records.

(3) \$2,567,000 of the employment service administrative account--state appropriation is provided solely for implementation of Substitute House Bill No. 3077 (unemployment insurance). If the bill is not enacted by June 30, 2000, the amounts provided in this subsection shall lapse.

(4) To the extent allowable under federal regulations, \$5,000,000 of the general fund--federal appropriation is provided for contracts with community-based organizations for family development or similar services. If allowed, the department shall contract with community-based organizations for family development services or similar services that provide a community-based comprehensive approach to helping families become self-sufficient.

PART III NATURAL RESOURCES

Sec. 301. 1999 c 309 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2000) \$	((33,558,000))
	<u>36,462,000</u>
General Fund--State Appropriation (FY 2001) \$	((33,539,000))
	<u>42,225,000</u>
General Fund--Federal Appropriation \$	

	((48,981,000))
	<u>55,141,000</u>
General Fund--Private/Local Appropriation \$	4,234,000
Special Grass Seed Burning Research Account--State Appropriation \$	14,000
Reclamation Revolving Account--State Appropriation \$	1,735,000
Flood Control Assistance Account--State Appropriation \$	3,989,000
<u>Public Safety and Education Account--State Appropriation \$</u>	<u>749,000</u>
State Emergency Water Projects Revolving Account--State Appropriation \$	317,000
Waste Reduction/Recycling/Litter Control Account--State Appropriation \$	((13,192,000))
	<u>13,193,000</u>
<u>State Drought Preparedness Account--State Appropriation \$</u>	<u>675,000</u>
Salmon Recovery Account--State Appropriation \$	1,120,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation \$	557,000
Water Quality Account--State Appropriation \$	((3,879,000))
	<u>3,881,000</u>
Wood Stove Education and Enforcement Account--State Appropriation \$	((351,000))
	<u>551,000</u>
Worker and Community Right-to-Know Account--State Appropriation \$	3,155,000
State Toxics Control Account--State Appropriation \$	((46,838,000))
	<u>48,369,000</u>
State Toxics Control Account--Private/Local Appropriation \$	377,000
Local Toxics Control Account--State Appropriation \$	((4,586,000))
	<u>4,587,000</u>
Water Quality Permit Account--State Appropriation \$	((21,003,000))
	<u>21,763,000</u>
Underground Storage Tank Account--State Appropriation \$	2,475,000
Environmental Excellence Account--State Appropriation \$	20,000

Biosolids Permit Account--State Appropriation \$	572,000
Hazardous Waste Assistance Account--State Appropriation \$	((3,942,000))
	<u>3,943,000</u>
Air Pollution Control Account--State Appropriation \$	((15,844,000))
	<u>4,576,000</u>
Oil Spill Administration Account--State Appropriation \$	((7,521,000))
	<u>9,172,000</u>
Air Operating Permit Account--State Appropriation \$	((3,548,000))
	<u>3,549,000</u>
Freshwater Aquatic Weeds Account--State Appropriation \$	1,430,000
Oil Spill Response Account--State Appropriation \$	7,078,000
Metals Mining Account--State Appropriation \$	43,000
Water Pollution Control Revolving Account--State Appropriation \$	439,000
Water Pollution Control Revolving Account--Federal Appropriation \$	2,200,000
TOTAL APPROPRIATION \$	((266,537,000))
	<u>278,591,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,432,000 of the general fund--state appropriation for fiscal year 2000, \$3,438,000 of the general fund--state appropriation for fiscal year 2001, \$394,000 of the general fund--federal appropriation, \$2,070,000 of the oil spill administration account--state appropriation, \$819,000 of the state toxics control account--state appropriation, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(3) \$374,000 of the general fund--state appropriation for fiscal year 2000 and \$283,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to digitize water rights documents and to provide this information to watershed planning groups.

(4) ~~(\$500,000 of the general fund--federal appropriation is provided solely for the department to update its water rights tracking system. \$250,000 of this amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

(5)) \$1,566,000 of the general fund--federal appropriation, \$1,033,000 of the general fund--private/local appropriation, and \$919,000 of the water quality account appropriation are provided to

employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

~~((6))~~ (5) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for study of the impacts of gravel removal on the hydrology of Maury Island. The study shall consider impacts to the nearshore environment and aquifer recharge, and assess the potential for groundwater or marine sediment contamination. The department shall contract for the study, which shall be completed by June 30, 2000.

~~((7))~~ (6) \$250,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for a study of the impacts of gravel deposit on the Highline aquifer. The study shall consider impacts to instream flow and sedimentation of Des Moines, Miller, and Walker creeks. The department shall contract for the study, which shall be completed by June 30, 2000.

~~((8))~~ (7) The entire freshwater aquatic weeds account appropriation shall be distributed according to the provisions of RCW 43.21A.660. Funding may be provided for chemical control of Eurasian watermilfoil.

~~((9))~~ (8) \$15,000 of the general fund--state appropriation for fiscal year 2000 and \$15,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to monitor and address, in coordination with the marine operations division of the department of transportation, odor problems in Fauntleroy Cove.

~~((10))~~ (9) \$144,000 of the general fund--state appropriation for fiscal year 2000~~((7))~~ and \$133,000 of the general fund--state appropriation for fiscal year 2001~~((7, and \$277,000 of the general fund--state appropriation))~~ are provided solely for water quality activities related to forest practices. ~~(\$138,500 of the general fund--state amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

~~((11))~~ (10) \$100,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the department to form an advisory committee for the purpose of updating the department's storm water management plan and the Puget Sound storm water management manual. The advisory committee shall be appointed no later than September 1, 1999, and it shall provide its recommendations on storm water management to the legislature by December 31, 2000.

~~((12))~~ (11) \$383,000 of the general fund--state appropriation for fiscal year 2000 and \$384,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for an agency permit assistance center, including four regional permit assistance offices.

~~((13))~~ (12) \$438,000 of the general fund--state appropriation for fiscal year 2000, \$1,025,000 of the general fund--state appropriation for fiscal year 2001, and \$1,870,000 of the general fund--state appropriation are provided solely ~~((to implement Substitute Senate Bill No. 5670 (noxious weed herbicide)))~~ for the establishment of total maximum daily loads for water bodies across the state~~((-- \$433,000 of the general fund--state appropriation is to implement the Puget Sound work plan and agency action item DOE 2. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse)),~~ and for pilot projects to evaluate the ability of existing voluntary and regulatory programs to improve water quality in water quality limited segments listed pursuant to section 303(d) of the federal clean water act. In areas with a ground water management area, total maximum daily loads that include a ground water element will be done in cooperation with the ground water management area process. Pilot projects shall include the following allocations from the general fund--state amounts provided in this subsection: \$100,000 shall be provided to a conservation district in the Palouse region; \$100,000 shall be provided to the Lake Whatcom management committee through the city of Bellingham; and \$250,000 shall be provided to the Roza-Sunnyside irrigation district joint board of control. Each pilot project sponsor shall provide a report to the legislature by January 1, 2001, describing the water quality goals of the project, how the goals relate to meeting state water quality standards, the strategies to accomplish those goals, and the method of evaluating project effectiveness. The pilot project sponsors shall also submit final reports to the legislature at project completion.

~~((14))~~ (13) \$591,000 of the general fund--state appropriation for fiscal year 2000 and \$1,131,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to process water rights applications.

~~((15))~~ (14) \$414,000 of the general fund--state appropriation for fiscal year 2000~~((,))~~ and \$383,000 of the general fund--state appropriation for fiscal year 2001~~((, and \$797,000 of the general fund--federal appropriation))~~ are provided solely for technical assistance and project review for water conservation and reuse projects. ~~(\$398,000 of the general fund--federal appropriation may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

~~(16))~~ (15) The entire salmon recovery account appropriation is provided to increase compliance with existing water quality and water resources laws.

~~((17) \$4,500,000)~~ (16) \$4,250,000 of the general fund--state appropriation for fiscal year 2000~~((, \$4,500,000))~~ and \$4,750,000 of the general fund--state appropriation for fiscal year 2001~~((, and \$1,500,000 of the general fund--federal appropriation))~~ are provided solely for grants to local governments to conduct watershed planning. ~~(\$750,000 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.)~~ Of the general fund--state amounts provided in this subsection: (a) \$500,000 is provided solely for a grant to the Methow river planning unit to develop baseline hydrological data for the Methow river; and (b) \$85,000 is provided for the lower Yakima/Naches/upper Yakima planning unit contingent upon recommendations of the governor's fact finder that a dual watershed assessment process is necessary. If such a recommendation is not provided, this amount is available for the purposes of this subsection.

~~((18))~~ (17) \$100,000 of the general fund--state appropriation for fiscal year 2000~~((,))~~ and \$82,000 of the general fund--state appropriation for fiscal year 2001~~((, and \$181,000 of the general fund--federal appropriation))~~ are provided solely for the department, in cooperation with the department of fish and wildlife, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities. ~~(\$90,500 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.~~

~~(19))~~ (18) \$276,000 of the general fund--state appropriation for fiscal year 2000 and \$207,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5424 (aquatic plant management). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

~~((20))~~ (19) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the continuation of the southwest Washington coastal erosion study.

~~((21))~~ (20) \$638,000 of the oil spill administration account appropriation is provided solely to implement Substitute House Bill No. 2247 (oil spill response tax). Of this amount: (a) \$120,000 is provided solely for spill response equipment; (b) \$307,000 is provided solely to develop an oil spill risk management plan; and (c) \$211,000 is provided solely for spills information management improvements. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

~~((22))~~ (21) \$145,000 of the general fund--state fiscal year 2000 appropriation and \$145,000 of the general fund--state fiscal year 2001 appropriation are provided solely for training and technical assistance to support the activities of county water conservancy boards.

(22) \$3,154,000 of the general fund--state appropriation for fiscal year 2000 and \$6,649,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain the state's air quality program. Within the funds provided in this subsection, the department shall maintain funding for local air pollution control authorities at no less than ninety percent of the level of grants provided prior to January 1, 2000.

(23) \$749,000 of the public safety and education account appropriation for fiscal year 2001 is provided solely for methamphetamine lab clean up activities.

(24) \$300,000 of the state drought preparedness account--state appropriation for fiscal year 2001 is provided solely for a preconstruction and feasibility analysis of the Roza irrigation district off-stream storage project at Washout canyon. Moneys may be expended from the amount provided in this subsection only to the extent that matching funds in cash and in-kind contributions are provided by the Roza irrigation district. If this match is not provided by the district, the amount provided in this subsection shall lapse.

(25) \$1,500,000 of the state toxics control account appropriation is provided solely for cleanup actions related to the Everett smelter site in the city of Everett. The department shall seek recovery of the funds expended for this purpose from the liable parties by way of a settlement agreement or court action under the authority of chapter 70.105D RCW, the model toxics control act. Moneys collected as a result of a cost recovery action at the Everett smelter site shall be used first to reimburse the local toxics control account for the total amount of this appropriation. This appropriation is the result of a one-time loan from the local toxics control account and does not imply that the legislature will use this loan source or the state toxics control account for future cleanup of the Everett smelter site.

(26) \$375,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(27) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for creating the task force on water storage. The purpose of the task force is to examine the role of increased water storage in providing water supplies to meet the needs of fish, population growth, and economic development, and to enhance the protection of people's lives and their property and the protection of aquatic habitat through flood control facilities. For this purpose, increased storage may be in the form of surface storage including off-stream storage, underground storage, or the enlargement or enhancement of existing structures. The task force shall also examine means of providing funding for increased water storage.

The department of ecology shall provide staff support for the task force and the director of the department of ecology shall convene the first meeting of the task force not less than thirty days after the effective date of this section.

No member of the task force shall receive compensation, per diem, or reimbursement of expenses from the task force or the department of ecology for his or her activities as a member of the task force. However, each may receive such compensation, per diem, and/or reimbursement as is authorized by the entity he or she is employed by, is appointed from, or represents on the task force.

Following its examination, the task force shall report its recommendations to the appropriate committees of the legislature by December 31, 2000.

(28) Within the funds appropriated in this section, the department shall develop for review by the legislature a proposed long-term strategy to address persistent, bio-accumulative and toxic chemicals in the environment. The department shall submit its proposal to the appropriate legislative committees by December 30, 2000.

(29) \$1,650,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to the oil spill administration account to be used for a rescue tug. By December 1, 2000, the department shall report to the appropriate fiscal committees of the legislature on the activities of the dedicated rescue tug. The report shall include information on rescues, assists, or responses performed by the tug. The report shall also indicate the class of vessels involved and the nature of the rescue, assist, or response.

Sec. 302. 1999 c 309 s 303 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
General Fund--State Appropriation (FY 2000) \$

((27,498,000))

General Fund--State Appropriation (FY 2001) \$

27,522,000

	((28,073,000))
	<u>28,227,000</u>
General Fund--Federal Appropriation \$	2,113,000
General Fund--Private/Local Appropriation \$	59,000
Winter Recreation Program Account--State Appropriation \$	763,000
Off Road Vehicle Account--State Appropriation \$	264,000
Snowmobile Account--State Appropriation \$	3,653,000
Aquatic Lands Enhancement Account--State Appropriation \$	325,000
Public Safety and Education Account--State Appropriation \$	48,000
Water Trail Program Account--State Appropriation \$	14,000
Parks Renewal and Stewardship Account--State Appropriation \$	25,907,000
TOTAL APPROPRIATION \$	((88,717,000))
	<u>88,895,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03.
- (2) ~~(\$105,000)~~ \$65,000 of the general fund--state appropriation for fiscal year 2000 and ~~(\$31,000)~~ \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state parks and recreation commission to meet its responsibilities under the Native American graves protection and repatriation act (P.L. 101-601).
- (3) \$2,000,000 of the parks renewal and stewardship account appropriation is dependent upon the parks and recreation commission generating revenue to the account in excess of \$26,000,000 for the biennium. These funds shall be used for deferred maintenance and visitor and ranger safety activities.
- (4) \$772,000 of the general fund--state appropriation for fiscal year 2000 and \$849,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.
- (5) Fees approved by the state parks and recreation commission in 1998 for camping, group camping, extra vehicles, and the sno-park daily permit are authorized to exceed the fiscal growth factor under RCW 43.135.055.
- (6) ~~(\$40,000)~~ \$79,000 of the general fund--state appropriation for fiscal year 2000 and ~~(\$40,000)~~ \$79,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a grant for the operation of the Northwest avalanche center.
- (7) The state parks and recreation commission may increase fees adopted prior to January 1, 2000, for implementation on or after July 1, 2000, in excess of the fiscal growth factor under RCW 43.135.055.
- (8) \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a study on existing and future recreational needs and opportunities on the west slope of the Cascade foothills. The study shall include an inventory of existing land and facilities, an assessment of projected demand, and

recommendations for regional coordination among public and private outdoor recreation providers to promote expanded recreation opportunities within the Cascade foothills. The study shall be submitted to the governor and the appropriate committees of the legislature by June 30, 2001.

Sec. 303. 1999 sp.s. c 13 s 21 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 General Fund--State Appropriation (FY 2000) \$

	137,000
General Fund--State Appropriation (FY 2001) \$	138,000
<u>General Fund--Federal Appropriation \$</u>	<u>3,332,000</u>
Firearms Range Account--State Appropriation \$	34,000
Recreation Resources Account--State Appropriation \$	2,370,000
Recreation Resources Account--Federal Appropriation \$	11,000
NOVA Program Account--State Appropriation \$	604,000
TOTAL APPROPRIATION \$	((3,294,000))
	<u>6,626,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$137,000 of the fiscal year 2000 general fund--state appropriation and \$138,000 of the fiscal year 2001 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079 (salmon recovery). If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) \$3,332,000 of the general fund--federal appropriation is provided for the development of guidelines for hatchery management, and for actions to use hatcheries to directly support fisheries, assist with the recovery of natural stocks, and minimize the potentially negative effects of hatchery programs on naturally spawning populations.

Sec. 304. 1999 c 309 s 306 (uncodified) is amended to read as follows:
FOR THE CONSERVATION COMMISSION
 General Fund--State Appropriation (FY 2000) \$

	2,630,000
General Fund--State Appropriation (FY 2001) \$	((2,634,000))
General Fund--Federal Appropriation \$	<u>2,601,000</u>
General Fund--Federal Appropriation \$	1,800,000))
Salmon Recovery Account--State Appropriation \$	3,618,000
Water Quality Account--State Appropriation \$	444,000
TOTAL APPROPRIATION \$	((11,126,000))
	<u>9,293,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$182,000 of the general fund--state appropriation for fiscal year 2000, \$182,000 of the general fund--state appropriation for fiscal year 2001, and \$130,000 of the water quality account appropriation are provided solely for the implementation of the Puget Sound work plan agency action item CC-01.

(2) \$550,000 of the general fund--state appropriation for fiscal year 2000 and \$550,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to conservation districts to reduce nitrate contamination in the Columbia Basin ground water management area.

(3) \$1,968,000 of the salmon recovery account appropriation is provided solely for conducting limiting factors analysis for salmon species.

(4) \$167,000 of the general fund--state appropriation for fiscal year 2001 and \$250,000 of the salmon recovery account appropriation ~~((is))~~ are provided solely for the agriculture, fish, and water negotiation process, including a facilitated review of the field office technical guides of the federal natural resource conservation service to ensure the guides meet the requirements of the federal endangered species act and clean water act.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the agricultural and environmental communities for costs associated with participating in the agriculture, fish, and water negotiation process.

~~((5))~~ (6) \$500,000 of the salmon recovery account appropriation ~~((and \$1,500,000 of the general fund--federal appropriation are))~~ is provided solely for a volunteer salmon recovery initiative. ~~((The salmon recovery account))~~ This appropriation is provided for volunteer coordination through regional fisheries enhancement groups. ~~(((\$750,000 of the general fund--federal amount may be expended in each fiscal year only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001--~~

~~(6))~~ (7) \$900,000 of the salmon recovery account appropriation ~~((and \$300,000 of the general fund--federal appropriation are))~~ is provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources. ~~(((\$150,000 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001--))~~

Sec. 305. 1999 c 309 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2000) \$

((42,896,000))

42,616,000

General Fund--State Appropriation (FY 2001) \$

((42,443,000))

44,567,000

General Fund--Federal Appropriation \$

((42,755,000))

37,380,000

General Fund--Private/Local Appropriation \$

((14,416,000))

Off Road Vehicle Account--State Appropriation \$	<u>16,800,000</u>
	490,000
Aquatic Lands Enhancement Account--State Appropriation \$	((6,432,000))
	<u>5,992,000</u>
Public Safety and Education Account--State Appropriation \$	586,000
Recreational Fisheries Enhancement Account--State Appropriation \$	3,596,000
Salmon Recovery Account--State Appropriation \$	((9,316,000))
	<u>10,105,000</u>
Warm Water Game Fish Account--State Appropriation \$	((2,419,000))
	<u>2,499,000</u>
Eastern Washington Pheasant Enhancement Account--State Appropriation \$	((551,000))
	<u>851,000</u>
Wildlife Account--State Appropriation \$	((40,293,000))
	<u>41,133,000</u>
Wildlife Account--Federal Appropriation \$	((40,040,000))
	<u>38,040,000</u>
Wildlife Account--Private/Local Appropriation \$	((13,072,000))
	<u>15,072,000</u>
Game Special Wildlife Account--State Appropriation \$	1,939,000
Game Special Wildlife Account--Federal Appropriation \$	9,603,000
Game Special Wildlife Account--Private/Local Appropriation \$	350,000
Environmental Excellence Account--State Appropriation \$	15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation \$	((750,000))
	<u>1,750,000</u>
Oil Spill Administration Account--State Appropriation \$	969,000
TOTAL APPROPRIATION \$	((272,931,000))
	<u>274,353,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,252,000 of the general fund--state appropriation for fiscal year 2000 and \$1,244,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-02, DFW-03, DFW-04, and DFW-05.

(2) \$776,000 of the salmon recovery account appropriation (~~((and \$775,000 of the general fund--federal appropriation are))~~) is provided solely for the department's review of forest practices applications and related hydraulic permit applications. (~~((Up to \$387,500 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.))~~)

(3) \$1,500,000 of the salmon recovery account appropriation (~~((and \$1,500,000 of the general fund--federal appropriation are))~~) is provided solely for the department to update the salmon and steelhead stock inventory and, in cooperation with the department of ecology, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities. (~~((Up to \$750,000 of the general fund--federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.))~~)

(4) \$232,000 of the general fund--state appropriation for fiscal year 2000 and \$232,000 of the general fund--state appropriation for fiscal year 2001 are provided for the control of European green crab (*Carcinus maenas*). The department shall submit a report to the governor and the appropriate legislative committees by September 1, 2000, evaluating the effectiveness of various control strategies and providing recommendations on long-term control strategies. \$248,000 of this amount is for implementation of Puget Sound work plan and agency action item DFW-23.

(5) \$191,000 of the general fund--state appropriation for fiscal year 2000 and \$191,000 of the general fund--state appropriation for fiscal year 2001 are provided for noxious weed control and survey activities on department lands. Of this amount, \$48,000 is provided for the biological control of yellowstar thistle.

(6) All salmon habitat restoration and protection projects proposed for funding by regional fisheries enhancement groups shall be submitted by January 1st or July 1st of each year for review to the salmon recovery funding board.

(7) \$2,340,000 of the salmon recovery account appropriation and \$7,000,000 of the general fund--federal appropriation are provided solely to implement a license buy-back program for commercial fishing licenses.

(8) \$511,000 of the general fund--state appropriation for fiscal year 2000 and \$488,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(9) Any indirect cost reimbursement received by the department from federal grants must be spent on agency administrative activities and cannot be redirected to direct program activities.

(10) \$43,000 of the general fund--state appropriation for fiscal year 2000 and \$42,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) \$32,000 of the general fund--state appropriation for fiscal year 2000 and \$33,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(12) (~~(\$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000))~~ \$100,000 of the general fund--state appropriation for fiscal year 2001 (~~(are))~~ is provided solely to implement Senate Bill No. 5508 (crab catch record cards). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) \$6,440,000 of the general fund--state appropriation for fiscal year 2000, \$5,796,000 of the general fund--state appropriation for fiscal year 2001, \$12,260,000 of the wildlife account--state

appropriation, \$710,000 of the aquatic lands enhancement account appropriation, and \$500,000 of the public safety and education account appropriation are provided solely for operation of the enforcement division. Within these funds, the department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within these funds, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(14) \$500,000 of the salmon recovery account, \$624,000 of the general fund--state appropriation for fiscal year 2000, and \$624,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the department to implement a hatchery endangered species act response. The strategy shall include emergency hatchery responses and retrofitting of hatcheries for salmon recovery.

(15) \$45,000 of the general fund--state appropriation for fiscal year 2000 and \$46,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for operation of the Rod Meseberg (ringold) warm water fish hatchery to implement House Bill No. 1716 (warm water fish culture). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(16) \$2,500,000 of the salmon recovery account appropriation is provided solely for grants to lead entities established in accordance with RCW 75.46.060.

(17) \$200,000 of the salmon recovery account appropriation (~~((and \$600,000 of the general fund--state appropriation are))~~) is provided solely for salmon and steelhead predation control(~~(-)~~) and bycatch monitoring(~~(- and selective harvest strategies. \$300,000 of the general fund--state amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.)~~) strategies.

(18) \$50,000 of the general fund--state appropriation for fiscal year 2000 (~~and~~), \$50,000 of the general fund--state appropriation for fiscal year 2001, and \$200,000 of the wildlife account--state appropriation are provided solely for (~~(additional field surveys of the Olympic Peninsula, North Rainier, and Packwood/South Rainier)~~) field surveys and harvest management for Washington elk herds.

(19) (~~(\$425,000)~~) \$155,000 of the general fund--state appropriation for fiscal year 2000 and (~~(\$75,000)~~) \$345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to purchase and implement the automated recreational license data base system.

(20) \$1,400,000 of the general fund--state appropriation for fiscal year 2000 and \$1,400,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fish passage barrier and screening technical assistance, engineering services, and construction assistance for local governments, state agencies, volunteer groups, and regional fisheries enhancement groups.

(21) \$1,500,000 of the salmon recovery account appropriation (~~((and \$500,000 of the general fund--state appropriation are))~~) is provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources. (~~(\$250,000 of the general fund--state amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.)~~)

(22) \$400,000 of the wildlife account appropriation is provided solely to implement House Bill No. 1681 (trout purchase by state). The fish and wildlife commission may authorize expenditure of these funds only if the costs of the program will be recovered by the increase in license sales directly attributable to the planting of privately grown trout. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(23) (~~(\$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No.~~

5508 (crab fishery catch records). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

~~(24))~~ \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(24) \$245,000 of the state wildlife account appropriation is provided solely for winter feeding of deer and winter range rehabilitation on the Chiliwist wildlife area.

(25) Within the appropriation from the wildlife account the department shall, at a minimum, operate Reiter Pond at fiscal year 2000 production levels.

(26) Within the appropriations in this section the department shall, at a minimum, operate the Colville hatchery at fiscal year 2000 production levels.

(27) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(28) \$400,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of the Puget Sound work plan agency action items DFW-10 and DFW-18, implementing a comprehensive Puget Sound ground fish and forage fish recovery plan.

(29) \$203,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for data collection and analysis related to Lake Washington sockeye.

(30) \$800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for additional enforcement staff to respond and take appropriate action in response to public complaints regarding bear and cougar.

(31) \$500,000 of the general fund--state appropriation for fiscal year 2001 and \$200,000 of the wildlife account--state appropriation are provided solely to implement an endangered species act strategy for state hatchery operations, including fish passage improvements, screen compliance, rearing strategies, and restoration of production.

(32) \$789,000 of the salmon recovery account appropriation is provided solely for screening of irrigation diversions and projects to improve instream flows in the Methow river basin.

Sec. 306. 1999 c 309 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2000) \$

25,784,000

General Fund--State Appropriation (FY 2001) \$

~~((25,641,000))~~

28,576,000

General Fund--Federal Appropriation \$

~~((12,656,000))~~

2,865,000

General Fund--Private/Local Appropriation \$

~~((420,000))~~

1,604,000

Forest Development Account--State Appropriation \$

~~((46,029,000))~~

48,086,000

Off Road Vehicle Account--State Appropriation \$

3,668,000

Surveys and Maps Account--State Appropriation \$

2,221,000

Aquatic Lands Enhancement Account--State Appropriation \$

~~((2,656,000))~~

Resources Management Cost Account--State Appropriation \$	<u>2,356,000</u>
	((77,016,000))
Surface Mining Reclamation Account--State Appropriation \$	<u>79,097,000</u>
<u>Disaster Response Account--State Appropriation \$</u>	1,435,000
	<u>2,651,000</u>
Salmon Recovery Account--State Appropriation \$	3,483,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation \$	((764,000))
	<u>1,014,000</u>
Natural Resource Conservation Areas Stewardship Account Appropriation \$	1,100,000
Air Pollution Control Account--State Appropriation \$	((864,000))
	<u>687,000</u>
Metals Mining Account--State Appropriation \$	63,000
Agricultural College Trust Management Account Appropriation \$	1,736,000
TOTAL APPROPRIATION \$	((205,536,000))
	<u>206,426,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2000, \$18,000 of the general fund--state appropriation for fiscal year 2001, and ~~(((\$1,058,000))~~ \$958,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$7,304,000 of the general fund--state appropriation for fiscal year 2000 ~~((and))~~ \$7,304,000 of the general fund--state appropriation for fiscal year 2001, and \$2,651,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression.

(3) \$331,000 of the general fund--state appropriation for fiscal year 2000 and \$339,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for geologic studies to evaluate ground stability in high growth areas and to provide geologic expertise to small communities.

(4) \$663,000 of the general fund--state appropriation for fiscal year 2000 and \$689,000 of the general fund--state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) ~~\$3,483,000 of the salmon recovery account appropriation ((and \$10,991,000 of the general fund--federal appropriation are provided for the department to implement changes in forest practice rules for the protection of salmon. \$5,495,500 of the general fund--federal appropriation may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.))~~ and \$3,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of chapter 4, Laws of 1999 sp. sess.

(a) Of the salmon recovery account appropriation in this subsection:

(i) \$2,580,000 is provided solely for costs associated with adopting and implementing new forest rules for protection of riparian habitat and water quality; road maintenance and abandonment planning; fish and water quality compliance staff; geographic information systems improvements for forest roads and hydrography; and updating the forest practices permit application system; and

(ii) \$903,000 is provided solely to implement sections 501 through 505 of chapter 4, Laws of 1999 sp. sess., including:

(A) The establishment of a small landowner office;

(B) Administration of the forestry riparian easement program;

(C) Contracting with private consultants to perform timber cruises;

(D) Development of small landowner options through alternate management plans;

(E) Evaluation of cumulative impacts of alternate plans;

(F) Establishment of a small landowners advisory committee;

(G) Development of criteria for determining compensation for qualifying timber; and

(H) Collection and reporting of the statistical information on small landowners as directed in section 503 of chapter 4, Laws of 1999 sp. sess.

(b) Of the general fund--state appropriation in this subsection:

(i) \$2,128,000 is provided solely for cooperative monitoring, evaluation, and research projects; hazard zonation; adopting and implementing new forest rules to protect riparian habitat and water quality; and geographic information systems improvements for forest roads and hydrography; and

(ii) \$872,000 is provided solely for the department to implement sections 501 through 505 of chapter 4, laws of 1999 sp. sess., including providing technical assistance for small forest landowners for the following:

(A) Determining streamside buffers;

(B) Preparation of road management plans;

(C) Participation in watershed analysis and adaptive management;

(D) Determining culvert replacement needs; and

(E) Developing alternative plans to comply with forest and fish rules.

(6) \$44,000 of the resource management cost account appropriation is provided solely for maintenance and safety improvements at the Gull Harbor marine station. The department shall develop a plan for use or disposal of the marine station by December 1, 1999.

(7) \$582,000 of the resource management cost account appropriation is provided solely to expand geoduck resource management activities.

(8) \$172,000 of the resource management cost account appropriation is provided solely to convert aquatic land maps and records to an electronic format.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2000, \$100,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control. Within these amounts, the department shall continue support for a field study of biological control methods.

(10) \$2,000,000 of the general fund--state appropriation for fiscal year 2000 and \$2,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for fire protection activities.

(11) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(12) \$1,100,000 of the natural resources conservation areas stewardship account is provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

(13) \$384,000 of the general fund--private/local appropriation is provided solely to implement Senate Bill No. 6277 (authorizing cost reimbursement agreements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(14) \$1,918,000 of the general fund--state appropriation for fiscal year 2001, \$2,574,000 of the forest development account appropriation, and \$4,625,000 of the resource management cost account appropriation are provided solely for agency administration and support for fiscal year 2001. Of these amounts, \$90,000 of the general fund--state appropriation, \$75,000 of the forest development account appropriation, and \$135,000 of the resource management cost account appropriation are provided

solely for independent staff to support the board of natural resources. The office of financial management shall assist the board with initial staff hiring.

(15) \$2,000,000 of the forest development account appropriation is provided solely for immediate road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

(16) The department shall submit a report of the uses of the access road revolving fund to the legislature and the office of financial management no later than December 1, 2000. The report shall include the following:

(a) Distribution of funds from fiscal year 1996 through fiscal year 2000;

(b) Types of activities funded;

(c) Method for prioritizing road projects, state-wide and by region; and

(d) Proposed plan for road maintenance and repair in the 2001-2003 biennium.

Sec. 307. 1999 c 309 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2000) \$

~~((7,476,000))~~

7,876,000

General Fund--State Appropriation (FY 2001) \$

~~((7,316,000))~~

7,516,000

General Fund--Federal Appropriation \$

4,440,000

General fund--Private/Local Appropriation \$

410,000

Aquatic Lands Enhancement Account--State Appropriation \$

818,000

State Toxics Control Account--State Appropriation \$

1,365,000

Local Toxics Control Account--State Appropriation \$

241,000

TOTAL APPROPRIATION \$

~~((22,066,000))~~

22,666,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the general fund--state appropriation for fiscal year 2000 and \$37,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for technical assistance on pesticide management, including the implementation of the Puget Sound work plan and agency action item DOA-01.

(2) \$241,000 of the local toxics control account appropriation is provided solely to implement chapter 36, Laws of 1998 (fertilizer regulation). The amount provided in this subsection shall be used to conduct a comprehensive study of plant uptake of metals and to implement new fertilizer registration requirements.

(3) \$133,000 of the general fund--state appropriation for fiscal year 2000 and \$127,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for technical assistance to local watershed and salmon recovery planning efforts.

(4) \$400,000 of the general fund--state appropriation for fiscal year 2000 and \$200,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities to control and eradicate infestations of the asian gypsy moth.

PART IV

TRANSPORTATION

Sec. 401. 1999 c 309 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2000) \$

((~~5,519,000~~))

5,630,000

General Fund--State Appropriation (FY 2001) \$

((~~4,947,000~~))

4,871,000

Architects' License Account--State Appropriation \$

((~~754,000~~))

678,000

Cemetery Account--State Appropriation \$

((~~203,000~~))

205,000

Profession Engineers' Account--State Appropriation \$

((~~2,828,000~~))

2,703,000

Real Estate Commission--State Appropriation \$

((~~7,114,000~~))

6,824,000

Master License Account--State Appropriation \$

((~~7,423,000~~))

7,317,000

Uniform Commercial Code Account--State Appropriation \$

((~~3,472,000~~))

3,448,000

Real Estate Education Account--State Appropriation \$

((~~606,000~~))

630,000

Funeral Directors and Embalmers Account--State Appropriation \$

((~~457,000~~))

472,000

Washington Real Estate Research Account Appropriation \$

((~~368,000~~))

313,000

TOTAL APPROPRIATION \$

((~~33,691,000~~))

33,091,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2000, \$25,000 of the general fund--state appropriation for fiscal year 2001, and \$100,000 of the professional engineers' account appropriation are provided solely for Second Substitute Senate Bill No. 5821 (on-site wastewater treatment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) (~~(\$368,000)~~) \$313,000 of the Washington real estate research account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5720 (real estate research). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

Sec. 402. 1999 c 309 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2000) \$	((22,129,000))
	<u>21,496,000</u>
General Fund--State Appropriation (FY 2001) \$	((20,858,000))
	<u>20,826,000</u>
General Fund--Federal Appropriation \$	3,999,000
General Fund--Private/Local Appropriation \$	344,000
Death Investigations Account--State Appropriation \$	((2,816,000))
	<u>3,689,000</u>
Public Safety and Education Account--State Appropriation \$	((6,867,000))
	<u>9,611,000</u>
County Criminal Justice Assistance Account--State Appropriation \$	((4,641,000))
	<u>2,887,000</u>
Municipal Criminal Justice Assistance Account--State Appropriation \$	((1,831,000))
	<u>1,118,000</u>
Fire Service Trust Account--State Appropriation \$	125,000
<u>Disaster Response Account--State Appropriation \$</u>	<u>1,386,000</u>
Fire Service Training Account--State Appropriation \$	6,730,000
State Toxics Control Account--State Appropriation \$	442,000
Violence Reduction and Drug Enforcement Account--State Appropriation \$	260,000
Fingerprint Identification Account--State Appropriation \$	((2,392,000))
	<u>2,958,000</u>
TOTAL APPROPRIATION \$	

((73,434,000))

75,871,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$255,000 of the general fund--state appropriation for fiscal year 2000 and \$95,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for replacement of fire training equipment at the fire service training academy.

(2) ~~(\$430,000)~~ \$604,000 of the public safety and education account appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5108 (missing/exploited children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$2,816,000 of the death investigation account appropriation is provided solely for the implementation of Substitute House Bill No. 1560 (forensic lab services). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$2,900,000 of the fire service training account appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5102 (fire fighter training). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse. In providing the fire fighter one training program required by the bill, the state patrol shall, to the extent possible, utilize existing public and private fire fighting training facilities in southeastern Washington.

(5) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(6) \$66,000 of the general fund--state appropriation for fiscal year 2000 and \$58,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities of the missing children's clearinghouse as related to services performed under subsection 202(1) of this act. If that subsection is not enacted, the amount provided in this subsection shall lapse.

(7) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(8) \$300,000 of the death investigations account--state appropriation is provided solely for the operation of the state toxicology laboratory. If House Bill No. 2330 (liquor disbursements) is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(9) \$1,386,000 of the disaster response account--state appropriation is provided solely for costs associated with the state patrol's participation in support of the world trade organization conference.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 2420 (oil/gas pipeline safety). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

PART V EDUCATION

Sec. 501. 1999 c 309 s 501 (uncodified) is amended to read as follows:
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE
ADMINISTRATION**

General Fund--State Appropriation (FY 2000) \$

((27,800,000))

34,844,000

General Fund--State Appropriation (FY 2001) \$

((26,535,000))

42,315,000

General Fund--Federal Appropriation \$

	((78,121,000))
	<u>83,099,000</u>
((Public Safety and Education Account State Appropriation \$	6,602,000
Health Services Account Appropriation \$	5,242,000
Violence Reduction and Drug Enforcement Account Appropriation \$	3,671,000))
TOTAL APPROPRIATION \$	((147,971,000))
	<u>160,258,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$404,000 of the general fund--state appropriation for fiscal year 2000 and \$403,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$348,000 of the ~~((public safety and education account))~~ general fund--state appropriation is provided for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(c) \$128,000 of the general fund--state appropriation is provided solely for increased costs of providing a norm-referenced test to all third grade students and retests of certain third grade students and other costs in accordance with chapter 319, Laws of 1998 (student achievement).

(d) \$145,000 of the general fund--state appropriation is provided for an institutional education program director.

(2) STATE-WIDE PROGRAMS

(a) \$2,524,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center. Of this amount, \$350,000 is provided to add a math van.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,754,000 of the general fund--state appropriation is provided for educational centers, including state support activities. \$100,000 of this amount is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$100,000 a biennium.

(d) \$100,000 of the general fund--state appropriation is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(e) ~~(((\$3,671,000 of the violence reduction and drug enforcement account appropriation and \$2,252,000 of the public safety education account appropriation are))~~ \$5,923,000 of the general fund--state appropriation is provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(f) \$5,649,000 of the general fund--state appropriation for FY 2001 is provided for school safety allocations to school districts. The amount provided in this subsection (2)(f) is subject to the following conditions and limitations:

(i) School districts may use funds allocated under this subsection (2)(f) for school safety purposes for the 2000-01 school year, including but not limited to the following: Planning; training; equipment; before, during, and after-school safety; and minor building renovations.

(ii) Allocations to school districts shall be made beginning on July 1, 2000, at a maximum rate of \$10.00 multiplied by the full-time equivalent enrollment of the district. A district's allocation shall be reduced by any amount awarded to that district for security and safety grants under section 501 (2)(e) of this act and under sections 1 (2) and 2 of chapter 12, Laws of 1999 sp. sess. For purposes of this subsection "full-time equivalent enrollment" means the average K-12 full-time equivalent enrollment from September 1, 1999, to May 31, 2000, or 150 full-time equivalent students, whichever is greater.

(g) \$200,000 of the general fund--state appropriation for fiscal year 2000, \$200,000 of the general fund--state appropriation for fiscal year 2001, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

~~((g))~~ (h) \$1,500,000 of the general fund--state appropriation for fiscal year 2000 and \$1,500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

~~((h))~~ (i) A maximum of \$300,000 of the general fund--state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

~~((i))~~ (j) \$5,702,000 of the general fund--state appropriation is provided solely for shared infrastructure costs, data equipment maintenance, and depreciation costs for operation of the K-20 telecommunications network.

~~((j))~~ (k) \$4,000,000 of the general fund--state appropriation is provided solely for a K-20 telecommunications network technical support system in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 may be expended for state-level administration and staff training on the K-20 network.

~~((k))~~ (l) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for allocation to the primary coordinators of the state geographic alliance to improve the teaching of geography in schools.

~~((l))~~ (m) \$2,000,000 of the ((public safety and education account)) general fund--state appropriation is provided for start-up grants for alternative programs and services that improve instruction and learning for at-risk students. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including:

(i) Students who are disruptive or have been suspended, expelled, or subject to other disciplinary actions;

(ii) Students with unexcused absences who need intervention;

(iii) Students who have left school; and

(iv) Students involved with the court system.

~~((m))~~ (n) \$1,600,000 of the general fund--state appropriation is provided for grants for magnet schools.

~~((n))~~ (o) \$4,300,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to amounts shown in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

~~((e))~~ \$262,000 of the general fund--state appropriation for fiscal year 2000 and \$235,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Substitute Senate Bill No. 5593 (professional educator standards board). If Substitute Senate Bill No. 5593 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

~~(p)~~ \$200,000 of the general fund--state appropriation is provided solely for the purposes of Substitute Senate Bill No. 5413 (teacher assessment/certification). If Substitute Senate Bill No. 5413 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

~~(q))~~ (p) \$431,000 of the general fund--state appropriation is provided solely to implement Engrossed House Bill No. 2760 (educator quality). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(q) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$500,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to schools and school districts to establish school safety plans.

(r) \$5,242,000 of the ~~((health services account appropriation))~~ general fund--state is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(s) \$50,000 of the general fund--state appropriation is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices.

(t) \$750,000 of the general fund--state appropriation is provided solely for computer system programming and upgrades to benefit the office of the superintendent of public instruction, schools, and school districts.

(u) \$21,000 of the general fund--state appropriation for fiscal year 2000 appropriation and \$21,000 of the general fund--state appropriation for fiscal year 2001 appropriation are provided solely for the increased costs resulting from Engrossed Second Substitute House Bill No. 1477 (school district organization). If the bill is not enacted by June 30, 1999, the amounts in this subsection shall lapse.

(v) \$1,500,000 of the general fund--state appropriation is provided solely for the excellence in mathematics training program as specified in Substitute House Bill No. 1569 (excellence in mathematics). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(w) \$2,000,000 of the ~~((public safety and education account))~~ general fund--state appropriation is provided solely for teacher institutes during the summer of 2000, programs, and administration costs, as provided for in Engrossed Second Substitute House Bill No. 2085 (disruptive students). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(x) ~~((100,000))~~ \$200,000 of the general fund--state appropriation is provided solely for support for vocational student leadership organizations.

(y) \$1,100,000 of the general fund--state appropriation is provided for an equal matching grant to the Northeast vocational area cooperative to establish high-technology learning centers to provide college-level technology curriculum for high school students leading to an information technology certificate or degree. Only the following sources may be used as matching for the state funds: Private sector contributions; operating levy revenues; capital levy revenues; technology levy revenues; or other local funds not from federal or state sources.

(z) \$75,000 of the general fund--state appropriation is provided for speech pathology grants to charitable organizations as qualified under the internal revenue code and incorporated under the laws of the state of Washington. These grants shall be used for the purpose of providing childhood speech pathology by nationally certified speech pathologists to children who have demonstrated a lack of verbal communication skills and who would benefit from such a program. Speech pathology services shall be provided at no cost to the child receiving the benefits or to the parents or guardians of the child.

(aa) \$500,000 of the general fund--state appropriation is provided solely for competitive grants to school districts to obtain curriculum or programs that allow high school students to have access to internet-based curriculum that leads directly to higher education credits or provides preparation for

tests that lead to higher education credit in subjects including but not limited to mathematics, languages, and science.

(bb) ~~(\$1,000,000)~~ of the general fund--state appropriation for fiscal year 2000 and \$1,800,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for grants to school districts for programs to prepare high school students to achieve information technology industry skills certifications. The funds may be expended to provide or improve internet access; purchase and install networking or computer equipment; train faculty; or acquire curriculum materials. A match of cash or in-kind contributions from nonstate sources equal to at least half of the cash amount of the grant is required. To assure continuity of the curriculum with higher education institutions, the grant program will be designed and implemented by an interagency team comprised of representatives from the office of the superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management. School districts may apply for grants in cooperation with other school districts or community or technical colleges and must demonstrate in the grant application a cooperative relationship with a community or technical college in information technology programs. Preference for grants shall be made to districts with sound technology plans, which offer student access to computers outside of school hours, which demonstrate involvement of the private sector in information technology programs, and which serve the needs of low-income communities.

(cc) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Washington civil liberties education program pursuant to Engrossed Second Substitute House Bill No. 1572 (civil liberties education). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(dd) \$150,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the World War II oral history project pursuant to Substitute House Bill No. 2418 (WWII oral history project). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(ee) \$431,000 of the general fund--state appropriation is provided solely for the purchase of filtering servers necessary for districts to implement a computer technology filtering system for schools. Priority shall be given to districts that do not have any filtering systems in place. Funding shall be provided only at the request of that district's school board.

(ff) \$297,000 of the general fund--state appropriation is provided solely for training in oral medications administration. If Substitute Senate Bill No. 6328 (oral medications training) is enacted, the funds are provided to implement the provisions of the bill. If the bill is not enacted by June 30, 2000, the superintendent shall provide training in administration of oral medications using the model program developed by the office of the superintendent of public instruction.

Sec. 502. 1999 c 309 s 502 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT ~~(((BASIC EDUCATION)))~~

General Fund--State Appropriation (FY 2000) \$	((3,545,737,000))
	<u>3,507,296,000</u>
General Fund--State Appropriation (FY 2001) \$	((3,551,100,000))
	<u>3,480,701,000</u>
TOTAL APPROPRIATION \$	((7,096,837,000))
	<u>6,987,997,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 1999-00 and 2000-01 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection.

Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students for the 1999-00 school year and the 2000-01 school year. Districts documenting staffing ratios of less than 1 certificated staff per 19.5 students shall be allocated the greater of the total ratio in subsections (2)(a)(i) and (iv) of this section or the actual documented ratio; and

(B) Skills center programs meeting the standards for skill center funding recommended by the superintendent of public instruction, January 1999, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Indirect cost charges, as defined by the superintendent of public instruction, to vocational-secondary programs shall not exceed 10 percent; and

(iii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1999-00 and 2000-01 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((16.97))~~ 16.49 percent in the 1999-00 school year and 15.62 percent in the 2000-01 school year~~((s))~~ for certificated salary allocations provided under subsection (2) of this section, and a rate of ~~((15.75))~~ 15.56 percent in the 1999-00 school year and 15.82 percent in the 2000-01 school year~~((s))~~ for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,117 per certificated staff unit in the 1999-00 school year and a maximum of ~~((8,271))~~ \$8,239 per certificated staff unit in the 2000-01 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$19,933 per certificated staff unit in the 1999-00 school year and a maximum of ~~((20,312))~~ \$20,232 per certificated staff unit in the 2000-01 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$15,467 per certificated staff unit in the 1999-00 school year and a maximum of ~~((15,761))~~ \$15,699 per certificated staff unit in the 2000-01 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$365.28 for the 1999-00 school year and \$479.94 for the 2000-01 school year per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1998-99 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~((6,444,000))~~ \$10,598,000 outside the basic education formula during fiscal years 2000 and 2001 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$457,000 may be expended in fiscal year 2000 and a maximum of ~~((466,000))~~ \$464,000 may be expended in fiscal year 2001;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended each fiscal year;

(c) A maximum of ~~((325,000))~~ \$585,000 may be expended for school district emergencies provided that up to \$260,000 shall be for the Toutle Lake school district emergency; ~~((and))~~

(d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs~~((-)); and~~

(e) A maximum of \$3,117,000 of the general fund--state appropriation for fiscal year 2000 and \$779,000 of the general fund--state appropriation for fiscal year 2001 are provided for the 1999-00 school year for districts which experience an enrollment decline in the 1999-00 school year from the 1998-99 school year of more than 4.5 percent in full-time equivalent enrollment or more than 300 full-time equivalent students. The superintendent shall allocate funds to eligible school districts for up to one-half of the enrollment loss at the basic education unenhanced rate for the district. School districts receiving small school factor bonus funds shall not be eligible for enrollment decline funds to the extent that the district has no state apportionment loss as a result of the enrollment decline.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under chapter 309, Laws of 1999, including appropriations for salary and benefits increases, is 4.0 percent from the 1998-99 school to the 1999-00 school year, and 3.0 percent from the 1999-00 school year to the 2000-01 school year. This subsection supersedes section 1, chapter 10, Laws of 1999 sp. sess.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 1999 c 309 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate year, by the district's average staff mix factor for basic education and special education certificated instructional staff in that school year, computed using LEAP Document 1S; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E for the appropriate year.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.155 RCW in positions requiring a certificate;

(b) "LEAP Document 1S" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 16:55 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 1999-00 and 2000-01 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 18:53 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of ~~((16.33))~~ 15.85 percent for school year 1999-00 and 14.98 percent for school year 2000-01 for certificated staff and ~~((12.25))~~ 12.06 percent for school year 1999-00 and 12.32 percent for school year 2000-01 for classified staff ~~((for both years of the biennium))~~.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

1999-00 K-12 Salary Schedule for Certificated Instructional Staff

Years of
Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0	25,716	26,410	27,130	27,850	30,165
1	26,062	26,765	27,494	28,248	30,586
2	26,649	27,367	28,111	28,930	31,284
3	27,527	28,267	29,033	29,895	32,291
4	28,146	28,927	29,705	30,605	33,040
5	28,790	29,581	30,375	31,334	33,785
6	29,161	29,935	30,756	31,765	34,203
7	30,113	30,906	31,747	32,820	35,319
8	31,079	31,915	32,776	33,938	36,471
9	32,960	33,863	35,067	37,659	
10	34,964	36,255	38,881		
11	37,477	40,161			
12	38,660	41,474			
13	42,820				
14	44,173				
15	45,322				
16 or more	46,228				

Years of MA+ 90
Service BA+ 135 MA MA+ 45 or PHD

0	31,656	30,831	33,146	34,637
1	32,068	31,174	33,511	34,994
2	32,797	31,827	34,181	35,694
3	33,871	32,794	35,189	36,769
4	34,647	33,476	35,910	37,518
5	35,440	34,176	36,627	38,282
6	35,866	34,551	36,989	38,653
7	37,047	35,607	38,105	39,833
8	38,261	36,724	39,257	41,048
9	39,511	37,853	40,446	42,297
10	40,795	39,042	41,668	43,581
11	42,112	40,264	42,948	44,899
12	43,485	41,534	44,261	46,271
13	44,890	42,848	45,607	47,677
14	46,349	44,202	47,047	49,136
15	47,554	45,351	48,270	50,413
16 or more	48,505	46,258	49,236	51,421

2000-01 K-12 Salary Schedule for Certificated Instructional Staff

Years of
Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0	26,487	27,203	27,943	28,686	31,070
1	26,843	27,568	28,319	29,095	31,503
2	27,448	28,189	28,954	29,798	32,223
3	28,352	29,115	29,904	30,792	33,260

4	28,991	29,794	30,596	31,524	34,031
5	29,653	30,469	31,286	32,274	34,798
6	30,036	30,833	31,679	32,718	35,229
7	31,017	31,833	32,699	33,805	36,378
8	32,011	32,873	33,759	34,956	37,565
9	33,949	34,879	36,119	38,789	
10	36,013	37,343	40,048		
11	38,601	41,366			
12	39,820	42,718			
13	44,105				
14	45,498				
15	46,681				
16 or more	47,615				

Years of MA+ 90
Service BA+ 135 MA MA+ 45 or PHD

0	32,605	31,756	34,140	35,676	
1	33,030	32,109	34,517	36,044	
2	33,781	32,782	35,207	36,765	
3	34,887	33,778	36,245	37,872	
4	35,687	34,480	36,988	38,643	
5	36,503	35,202	37,726	39,431	
6	36,942	35,588	38,099	39,813	
7	38,158	36,675	39,249	41,028	
8	39,409	37,826	40,435	42,279	
9	40,696	38,989	41,659	43,566	
10	42,018	40,213	42,918	44,889	
11	43,375	41,471	44,236	46,246	
12	44,789	42,780	45,589	47,659	
13	46,237	44,134	46,975	49,107	
14	47,739	45,528	48,459	50,610	
15	48,981	46,711	49,719	51,926	
16 or more	49,960	47,645	50,713	52,964	

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary

allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include a 1.67 percent increase for three learning improvement days added in the 1999-00 school year and maintained in the 2000-01 school year. A school district is eligible for the learning improvement day funds for school years 1999-00 and 2000-01, only if three days have been added to the base contract in effect for the 1998-99 school year. If fewer than three days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

Sec. 504. 1999 c 309 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE
COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2000) \$

~~((187,659,000))~~

186,314,000

General Fund--State Appropriation (FY 2001) \$

~~((348,636,000))~~

344,013,000

TOTAL APPROPRIATION \$

~~((536,295,000))~~

530,327,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$412,995,000))~~ \$406,511,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1999, and another 3.0 percent effective September 1, 2000, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of ~~((16.33))~~ 15.85 percent for school year 1999-00 and 14.98 percent for school year 2000-01 for certificated staff and ~~((12.25))~~ 12.06 percent for school year 1999-00 and 12.32 percent for school year 2000-01 for classified staff. The appropriation also includes 1.67 percent effective September 1, 1999, for three learning improvement days pursuant to section 503(7) of this act and the salary allocation schedule adjustments for beginning and senior certificated instructional staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living, learning improvement days for certificated instructional staff, and incremental fringe benefit allocations based on formula adjustments as follows:

- (i) For pupil transportation, an increase of \$0.60 per weighted pupil-mile for the 1999-00 school year and \$1.23 per weighted pupil-mile for the 2000-01 school year;
 - (ii) For education of highly capable students, an increase of \$14.04 per formula student for the 1999-00 school year and (~~(\$21.28)~~) \$21.09 per formula student for the 2000-01 school year; and
 - (iii) For transitional bilingual education, an increase of (~~(\$36.18)~~) \$36.19 per eligible bilingual student for the 1999-00 school year and (~~(\$54.99)~~) \$54.51 per eligible student for the 2000-01 school year; and
 - (iv) For learning assistance, an increase of (~~(\$13.98)~~) \$13.97 per entitlement unit for the 1999-00 school year and (~~(\$23.16)~~) \$23.04 per entitlement unit for the 2000-01 school year.
- (c) The appropriations in this section include (~~(\$420,000)~~) \$417,000 for fiscal year 2000 and (~~(\$962,000)~~) \$1,214,000 for fiscal year 2001 for salary increase adjustments for substitute teachers.
- (2) (~~(\$123,300,000)~~) \$123,816,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$335.75 per month for the 1999-00 and 2000-01 school years. The appropriations in this section provide for a rate increase to \$388.02 per month for the 1999-00 school year and (~~(\$423.57)~~) \$425.89 per month for the 2000-01 school year at the following rates:
- (a) For pupil transportation, an increase of \$0.48 per weighted pupil-mile for the 1999-00 school year and (~~(\$0.80)~~) \$0.82 for the 2000-01 school year;
 - (b) For education of highly capable students, an increase of (~~(\$3.30)~~) \$3.32 per formula student for the 1999-00 school year and (~~(\$5.58)~~) \$5.72 for the 2000-01 school year;
 - (c) For transitional bilingual education, an increase of (~~(\$8.45)~~) \$8.46 per eligible bilingual student for the 1999-00 school year and (~~(\$14.22)~~) \$14.59 for the 2000-01 school year; and
 - (d) For learning assistance, an increase of \$6.65 per funded unit for the 1999-00 school year and (~~(\$11.17)~~) \$11.47 for the 2000-01 school year.
- (3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 1999 c 309 s 505 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2000) \$	((179,802,000))
	<u>181,204,000</u>
General Fund--State Appropriation (FY 2001) \$	((180,925,000))
	<u>181,061,000</u>
TOTAL APPROPRIATION \$	((360,727,000))
	<u>362,265,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) A maximum of (~~(\$1,475,000)~~) \$1,473,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.
- (3) \$10,000 of the fiscal year 2000 appropriation and \$10,000 of the fiscal year 2001 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of ~~((\\$34.99))~~ \$34.96 per weighted mile in the 1999-00 school year and ~~((\\$35.20))~~ \$35.17 per weighted mile in the 2000-01 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

Sec. 506. 1999 c 309 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2000) \$	3,100,000
General Fund--State Appropriation (FY 2001) \$	3,100,000
General Fund--Federal Appropriation \$	((194,483,000))
	<u>227,204,000</u>
TOTAL APPROPRIATION \$	((200,683,000))
	<u>233,404,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the general fund--state appropriations are provided for state matching money for federal child nutrition programs.

(2) \$175,000 of the general fund--state appropriations are provided for summer food programs for children in low-income areas.

Sec. 507. 1999 c 309 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) \$	((392,036,000))
	<u>387,011,000</u>
General Fund--State Appropriation (FY 2001) \$	((393,461,000))
	<u>385,482,000</u>
General Fund--Federal Appropriation \$	((148,159,000))
	<u>171,667,000</u>
TOTAL APPROPRIATION \$	((933,656,000))
	<u>944,160,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure, to the greatest extent possible, that special education students receive their appropriate share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education allocation funded in this section.

(2) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

~~((2))~~ (3) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

~~((3))~~ (4) For the 1999-00 and 2000-01 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection ~~((4)(c))~~ (5)(c) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

~~((4))~~ (5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" means the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1999-00 and the 2000-01 school years, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

~~((5))~~ (6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

~~((6))~~ (7) A maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2000 and a maximum of \$12,000,000 of the general fund--state appropriation for fiscal year 2001 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection ~~((3))~~ (4) of this section. Safety net funding shall be awarded by the state safety net oversight committee.

(a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(b) The committee shall then consider unusual needs of districts due to a special education population which differs significantly from the assumptions of the state funding formula. Awards shall

be made to districts that convincingly demonstrate need due to the concentration and/or severity of disabilities in the district. Differences in program costs attributable to district philosophy or service delivery style are not a basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with Substitute Senate Bill No. 5626 (medicaid payments to schools).

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$100,000 per year of the amounts provided in this subsection to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

~~((7))~~ (8) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

~~((8))~~ (9) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

~~((9) A maximum of)~~ (10) To the extent necessary, \$5,500,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs of one or more individual special education students exceed \$5,500,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

~~((10))~~ (11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

~~((11))~~ (12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

~~((12))~~ (13) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

~~((13))~~ (14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

~~((14))~~ (15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

Sec. 508. 1999 c 309 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

((Public Safety and Education Account--State Appropriation \$	16,276,000))
General Fund--State Appropriation (FY 2000) \$	<u>7,738,000</u>
General Fund--State Appropriation (FY 2001) \$	<u>7,771,000</u>
<u>TOTAL APPROPRIATION \$</u>	<u>15,509,000</u>

The appropriations in this section ((is)) are subject to the following conditions and limitations:

- (1) The appropriations include((s)) such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.
- (2) A maximum of \$507,000 may be expended for regional traffic safety education coordinators.
- (3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1999-00 and 2000-01 school years.
- (4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1999-00 and 2000-01 school years.

Sec. 509. 1999 c 309 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2000) \$	((4,547,000))
	<u>4,537,000</u>
General Fund--State Appropriation (FY 2001) \$	((4,547,000))
	<u>4,530,000</u>
<u>TOTAL APPROPRIATION \$</u>	((9,094,000))
	<u>9,067,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).
- (2) \$250,000 of the general fund appropriation for fiscal year 2000 and \$250,000 of the general fund appropriation for fiscal year 2001 are provided solely for student teaching centers as provided in RCW 28A.415.100.
- (3) A maximum of \$500,000 is provided for centers for the improvement of teaching pursuant to RCW 28A.415.010.

Sec. 510. 1999 c 309 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2000) \$	((98,315,000))
	<u>102,563,000</u>
General Fund--State Appropriation (FY 2001) \$	((107,973,000))

TOTAL APPROPRIATION \$	<u>122,114,000</u>
	((206,288,000))
	<u>224,677,000</u>

Sec. 511. 1999 c 309 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2000) \$	((20,201,000))
	<u>19,296,000</u>
General Fund--State Appropriation (FY 2001) \$	((21,542,000))
	<u>19,469,000</u>
General Fund--Federal Appropriation \$	8,548,000
TOTAL APPROPRIATION \$	((50,291,000))
	<u>47,313,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$92,000 of the general fund--state appropriation for fiscal year 2000 and \$143,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 512. 1999 c 309 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2000) \$	((6,226,000))
	<u>6,164,000</u>
General Fund--State Appropriation (FY 2001) \$	

	((6,220,000))
	<u>6,105,000</u>
TOTAL APPROPRIATION \$	((12,446,000))
	<u>12,269,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ((~~\$313.27~~) \$312.19 per funded student for the 1999-00 school year and ((~~\$313.39~~) \$310.43 per funded student for the 2000-01 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.
- (3) \$350,000 of the appropriation is for the centrum program at Fort Worden state park.
- (4) \$186,000 of the appropriation is for the ((~~odyssey of the mind~~) Washington imagination network and future problem-solving programs.

Sec. 513. 1999 c 309 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT
 General Fund--Federal Appropriation \$

	((264,388,000))
	<u>285,193,000</u>

Sec. 514. 1999 c 309 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2000) \$

	((35,144,000))
	<u>33,234,000</u>

General Fund--State Appropriation (FY 2001) \$

	((34,355,000))
	<u>36,300,000</u>

TOTAL APPROPRIATION \$	((69,499,000))
	<u>69,534,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) ((~~\$143,000~~) \$268,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$197,000~~) \$322,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the commission established under PART I of Substitute Senate Bill No. 5418 or Second Substitute House Bill No. 1462. If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall be used for implementation of education reform and an accountability system by the office of the superintendent of public instruction.
- (2) ((~~\$11,343,000~~) \$9,307,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$10,414,000~~) \$11,329,000 of the general fund--state appropriation for fiscal year 2001 are provided

for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$6,818,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers. The 1999 teacher preparation and development report from the Washington institute for public policy found that (a) there are no state-wide standards for what teacher assistance programs are intended to accomplish and (b) the program has not been changed to reflect increased expectations for improved student learning under education reform. By November 15, 2001, the office of the superintendent of public instruction shall submit a report to the education and fiscal committees of the house of representatives and the senate documenting the outcomes of program changes implemented in response to the study.

(5) \$4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(6) \$7,200,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning or its successor, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(9) (~~(\$1,598,000)~~) \$2,208,000 is provided solely for the leadership internship program for superintendents, principals, and program administrators.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to establish a mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance state-wide, the superintendent of public instruction, shall employ regional school improvement coordinators and mathematics school improvement specialists to provide assistance to schools and districts. The regional coordinators and specialists shall be hired by and work under the direction of a state-wide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement coordinators and specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(11) A maximum of \$1,000,000 of the general fund--state appropriation is provided to expand the number of summer accountability institutes offered by the superintendent of public instruction and the commission on student learning or its successor. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling but placing an emphasis on mathematics.

(12) \$8,000,000 of the general fund--state appropriation for fiscal year 2000 and \$8,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets one of the following conditions:

(i) The program is recommended either by the education commission of the states or the Northwest regional educational laboratory; or

(ii) The program is developed by schools or school districts and is approved by the office of the superintendent of public instruction based on the following criteria:

(A) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(B) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(C) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(D) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(E) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning, interim, and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from July 1, 1999, through August 31, 2001.

(13) ~~(\$100,000)~~ \$120,000 of the general fund--state appropriation for fiscal year 2000 and ~~(\$227,000)~~ \$272,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for ~~(a)~~ salary bonuses for teachers who attain certification by the national board for professional teaching standards.

(a) During the 1999-00 school year, teachers who have attained certification by the national board will receive a one-time 15 percent salary bonus ~~((for teachers who have attained certification by the national board for professional teaching standards))~~. The bonus is provided in recognition of their

outstanding performance. The bonuses shall be provided subject to the following conditions and limitations:

~~((a))~~ (i) For teachers achieving certification prior to September 1, 1999, the bonus shall begin on September 1, 1999.

~~((b))~~ (ii) Teachers enrolled in the program prior to September 1, 1999, achieving certification during the 1999-2000 school year shall be eligible for the bonus for the number of months during the school year that the individual has achieved certification.

~~((c) The superintendent shall establish a competitive selection process for teachers desiring to enroll in the program after September 1, 1999, to become eligible for the national certification bonus. Funds are provided for a maximum of 45 bonuses for the 2000-2001 school year. The superintendent shall approve a limited number of the most qualified applicants for potential bonus eligibility to ensure that the number of bonuses does not exceed available funds. The Washington state professional standards board, if created by law, or an advisory committee established by the superintendent of public instruction in consultation with the state board of education if a professional standards board is not created, shall review the national board certification standards to determine whether additional requirements to the national standards are needed to align the national requirements with Washington state standards for teachers and students under education reform))~~ (b) During the 2000-01 school year, teachers who have attained certification by the national board during the 2000-01 school year or in prior school years will receive an annual bonus of \$3,500. The annual bonus will be paid in a lump sum amount. The annual bonus provided under this subsection shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than two bonus payments under this subsection.

(14) \$125,000 of the general fund--state appropriation for fiscal year 2001 is provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(15) \$35,000 of the general fund--state appropriation for fiscal year 2000 and \$71,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

Sec. 515. 1999 c 309 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2000) \$	((35,136,000))
	<u>35,876,000</u>
General Fund--State Appropriation (FY 2001) \$	((36,608,000))
	<u>37,605,000</u>
TOTAL APPROPRIATION \$	((71,744,000))
	<u>73,481,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of ~~((\$648.50))~~ \$646.06 per eligible bilingual student in the 1999-00 school year and \$641.64 in the 2000-01 school year((s)), exclusive of salary and benefit adjustments provided in section 503 of this act.

Sec. 516. 1999 c 309 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2000) \$

~~((71,205,000))~~

68,936,000

General Fund--State Appropriation (FY 2001) \$

~~((75,045,000))~~

69,470,000

TOTAL APPROPRIATION \$

~~((146,250,000))~~

138,406,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funding for school district learning assistance programs shall be allocated at maximum rates of ~~((\$382.95))~~ \$382.08 per funded unit for the 1999-00 school year and ~~((\$383.76))~~ \$381.90 per funded unit for the 2000-01 school year.

(3) A school district's funded units for the 1999-2000 and 2000-01 school years shall be the sum of the following:

(a) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

(b) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(c) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(d) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(4) School districts may carry over from one year to the next up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 517. 1999 c 309 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund--State Appropriation (FY 2000) \$

~~((33,095,000))~~

General Fund--State Appropriation (FY 2001) \$	<u>32,981,000</u>
	((27,265,000))
TOTAL APPROPRIATION \$	<u>27,315,000</u>
	((60,720,000))
	<u>60,296,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.
- (3) Allocations for the 1999-00 school year shall be at a maximum annual rate of \$28.81 per full-time equivalent student and \$28.81 per full-time equivalent student for the 2000-01 school year. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:
 - (a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;
 - (b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and
 - (c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.
- (4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.
- (5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:
 - (a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); ~~((and))~~ or
 - (b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BETTER SCHOOLS PROGRAM

General Fund--State Appropriation (FY 2001) \$

57,500,000

Better schools program funds are appropriated to provide additional school improvement resources to help students meet the essential academic learning requirements and student assessment performance standards. It is the intent of the legislature that these funds will be appropriated on an ongoing basis in future biennia. Allocations received under this section shall be used for the following new and expanded educational enhancements as follows:

- (1) \$37,389,000 of the appropriation shall be allocated for class size reduction and expanded learning opportunities as follows:
 - (a) For the 2000-01 school year, an additional 2.2 certificated instructional staff units for grades K-4 per thousand full-time equivalent students are provided to supplement the certificated staffing allocations under section 502 (2)(a) of this act. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used (i) for reducing

class sizes in grades K-4 or (ii) to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(b) Any district maintaining a ratio equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection to employ additional certificated instructional staff or classified instructional assistants in grades K-12 or to provide additional classroom opportunities under (a) of this subsection in grades K-12.

(c) Salary calculations, nonemployee related costs, and substitute teacher allocations shall be calculated in the same manner as provided under section 502 of this act. The allocation includes salary and benefit increases equivalent to those provided under section 503 of this act.

(2) \$20,111,000 of the appropriation shall be allocated for professional development and training as follows:

(a) For fiscal year 2001, the funds shall be used for additional professional development for certificated and classified staff, including additional paid time for curriculum and lesson redesign and development work and training to ensure that instruction is aligned with state standards and student needs.

(b) For fiscal year 2001, the superintendent shall allocate the funds to school districts at a rate of \$20.04 per student based on the October 1999 P-105 unduplicated headcount.

(c) School districts shall allocate the funds to schools and the expenditure of the funds shall be determined by the staff at each school site.

Sec. 519. 1999 c 309 s 519 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Education Savings Account--State Appropriation \$

((72,000,000))

78,612,000

Education Construction Account--State Appropriation \$

35,000,000

TOTAL APPROPRIATION \$

113,612,000

The appropriation in this section is subject to the following conditions and limitations:
 ((\$36,000,000))

(1) \$42,612,000 in fiscal year 2000 and \$36,000,000 in fiscal year 2001 are appropriated to the common school construction account.

(2) The education construction account appropriation shall be deposited in the common school construction account.

NEW SECTION. **Sec. 520.** 1999 sp.s. c 10 s 1 (uncodified) is repealed.

**PART VI
 HIGHER EDUCATION**

Sec. 601. 1999 c 309 s 602 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	1999-2000	2000-2001
	Annual	Annual
	Average	Average
University of Washington		
Main campus	31,927	32,266
Bothell branch	993	1,136
Tacoma branch	1,143	((1,316))
		<u>1,286</u>
Washington State University		
Main campus	17,272	((17,649))
		<u>17,549</u>
Spokane branch	472	((604))
		<u>551</u>
Tri-Cities branch	754	((754))
		<u>616</u>
Vancouver branch	1,021	((1,124))
		<u>1,071</u>
Central Washington University	7,670	7,867
Eastern Washington University	7,739	((7,739))
		<u>7,839</u>
The Evergreen State College	3,638	3,713
Western Washington University	10,648	10,761
State Board for Community and Technical Colleges	120,529	((123,332))
		<u>123,362</u>
Higher Education Coordinating Board	50	((550))

Sec. 602. 1999 c 309 s 603 (uncodified) is amended to read as follows:
FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES
 General Fund--State Appropriation (FY 2000) \$

	((455,664,000))
	<u>456,291,000</u>
General Fund--State Appropriation (FY 2001) \$	((486,387,000))
	<u>489,677,000</u>
General Fund--Federal Appropriation \$	11,404,000
<u>Education Construction Account--State Appropriation \$</u>	<u>1,000,000</u>
Employment and Training Trust Account--State Appropriation \$	((1,474,000))
	<u>888,000</u>
TOTAL APPROPRIATION \$	((954,929,000))
	<u>959,260,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2)(a) \$5,000,000 of the general fund--state appropriation for fiscal year 2000 and \$5,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to increase salaries and related benefits for part-time faculty. The state board for community and technical colleges shall allocate these funds to college districts based on the headcount of part-time faculty under contract for the 1998-99 academic year. To earn these funds, a college district must match the state funds with local revenue, the amounts for which shall be determined by the state board. State fund allocations that go unclaimed by a college district shall lapse. The board may provide salary increases to part-time faculty in a total amount not to exceed \$10,000,000 from tuition revenues. The board shall report to the office of financial management and legislative fiscal committees on the distribution of state funds, match requirements of each district, and the wage adjustments for part-time faculty by October 1 of each fiscal year.

(b) Each college district shall examine its current ratio of part-time to full-time faculty by discipline and report to the board a plan to reduce wage disparity and reliance on part-time faculty through salary improvements, conversion of positions to full-time status, and other remedies deemed appropriate given labor market conditions and educational programs offered in each community. The board shall set long-term performance targets for each district with respect to use of part-time faculty and monitor progress annually. The board shall report to the fiscal and higher education committees of the legislature on implementation of this subsection by no later than December 1, 1999, with recommendations for the ensuing biennium provided no later than December 1, 2000.

(3) \$1,155,000 of the general fund--state appropriation for fiscal year 2000 and \$2,345,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) \$950,000 of the general fund--state appropriation for fiscal year 2000 and \$950,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to lower the part-time faculty retirement eligibility threshold to fifty percent of the full-time workload.

(5) \$332,000 of the general fund--state appropriation for fiscal year 2000 and \$3,153,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for Cascadia Community College start-up and enrollment costs.

(6) \$1,441,000 of the general fund--state appropriation for fiscal year 2000 and \$1,441,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(7) (~~(\$27,361,000)~~) \$27,775,000 of the general fund--state appropriation for fiscal year 2000, \$28,761,000 of the general fund--state appropriation for fiscal year 2001, and the entire employment and training trust account appropriation are provided solely as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) The state board for community and technical colleges shall submit a plan for allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$567,000 of the general fund--state appropriation for fiscal year 2000 and \$568,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for administration and customized training contracts through the job skills program.

(10) \$750,000 of the general fund--state appropriation for fiscal year 2000 and \$750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for grants to expand information technology and computer science programs. Successful grant applications from a college, partnerships of colleges, or partnerships of colleges and K-12 school districts must include a match of cash, in-kind, or donations equivalent to the grant amount. Grant applications shall receive priority that prepare students to meet industry standards, achieve industry skill certificates, or continue to upper division computer science or computer engineering studies. No college may receive more than \$300,000 from appropriations in this section. The state board for community and technical colleges shall report the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Pierce College branch at Puyallup.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) Funding in this section provides for the collection and reporting of Washington enrollment data, and related activities, for the distance learning information project described in section 129 of this act.

(14) \$425,000 of the general fund--state appropriation is provided solely for allocation to Olympic college. Olympic college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses, concentrating on but not limited to business, education, and human relations, to Bremerton. Moneys may be used by Olympic college during either fiscal year to equip and support a state-owned or state-leased facility in Bremerton where contracted courses are delivered.

(15) \$1,000,000 of the education construction account--state appropriation for fiscal year 2001 is provided to replace failing roofs at Columbia basin college.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2001 is provided for assistance to students with disabilities.

(17) \$750,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a student centered online delivery system to broaden access and increase use of college catalogs, schedules, and registration systems.

(18) \$658,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for maintenance and operations of Cascadia college phase 2, and for facilities previously authorized for construction with certificates of participation:

(a) Workforce training facility at Columbia basin college;

(b) Student services auditorium at Columbia basin college;

(c) Music building at Edmonds community college;

(d) Student center at South Puget Sound community college;

(e) Addition to the Lair student center at Spokane community college;

(f) Addition to the student union building at Yakima Valley community college; and

(g) Classroom and child care facility at Whatcom community college.

Sec. 603. 1999 c 309 s 604 (uncodified) is amended to read as follows:

FOR UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2000) \$

((316,592,000))

316,379,000

General Fund--State Appropriation (FY 2001) \$

((334,314,000))

335,568,000

Death Investigations Account--State Appropriation \$

((221,000))

111,000

Accident Account--State Appropriation \$

((5,773,000))

5,777,000

Medical Aid Account--State Appropriation \$

((5,815,000))

5,818,000

TOTAL APPROPRIATION \$

((662,715,000))

663,653,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,617,000 of the general fund--state appropriation for fiscal year 2000 and \$10,528,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Bothell branch campus. Of these amounts: The office of financial management shall hold and release funds to the university at the rate of \$9,636 per enrolled state FTE student at the Bothell branch campus in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year shall lapse to the education savings account at the close of the biennium.

(2) ((~~\$10,147,000~~)) \$9,934,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$11,438,000~~)) \$11,226,000 of the general fund--state appropriation for fiscal year 2001 are provided

for upper division and graduate courses and other educational services offered at the Tacoma branch campus. Of these amounts: The office of financial management shall hold and release funds to the university at the rate of \$8,520 per enrolled state FTE student at the Tacoma branch campus in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year shall lapse to the education savings account at the close of the biennium.

(3) \$2,312,000 of the general fund--state appropriation for fiscal year 2000 and \$2,312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(4) \$1,975,000 of the general fund--state appropriation for fiscal year 2000 and \$1,975,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to extend the next-generation internet hub and related expertise.

(5) ~~(\$200,000)~~ \$90,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$136,000 of the general fund--state appropriation for fiscal year 2000 and \$137,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the dental education in care of persons with disabilities program.

(9) \$904,000 of the accident account and medical aid account appropriations is provided ~~((solely for))~~ to establish a bio-contaminant laboratory and consultation service, create a demonstration project, and enhance laboratory and computing equipment in the department of environmental health.

(10) ~~((For the 1999-01 biennium, five percent of tuition and fee revenue collected from law students may be used when privately matched dollar for dollar to provide public interest law scholarships to enrolled students at the university.~~

~~((11))~~ \$958,000 of the general fund--state appropriation for fiscal year 2000 and \$958,000 of the general fund--state appropriation for fiscal year 2001 are provided for the mathematics, engineering, science achievement (MESA) program.

~~((12))~~ (11) \$1,250,000 of the general fund--state appropriation for fiscal year 2000 and \$1,250,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

(12) \$450,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to enhance university expenditures for graduate student appointee health insurance. For fiscal year 2001, the university shall provide the remainder of funding necessary to maintain the benefits and terms of health insurance in effect for graduate student appointees as of the effective date of this section.

(13) \$375,000 of the general fund--state appropriation for fiscal year 2001 is provided solely to provide internet connectivity.

Sec. 604. 1999 c 309 s 605 (uncodified) is amended to read as follows:
FOR WASHINGTON STATE UNIVERSITY
General Fund--State Appropriation (FY 2000) \$

~~((183,551,000))~~

General Fund--State Appropriation (FY 2001) \$	<u>183,051,000</u>
	((197,015,000))
Air Pollution Control Account--State Appropriation \$	<u>196,919,000</u>
	((198,000))
	<u>49,000</u>
<u>Education Construction Account--State Appropriation \$</u>	<u>3,600,000</u>
	((380,764,000))
TOTAL APPROPRIATION \$	<u>383,619,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,702,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$7,980,000~~)) \$7,510,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Spokane branch campus.

(2) \$5,134,000 of the general fund--state appropriation for fiscal year 2000 and \$5,325,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Tri-Cities branch campus for 616 state FTE students.

(3) \$8,537,000 of the general fund--state appropriation for fiscal year 2000 and ((~~\$10,164,000~~)) \$9,670,000 of the general fund--state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Vancouver branch campus.

(4) \$1,438,000 of the general fund--state appropriation for fiscal year 2000 and \$1,438,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(5) \$565,000 of the general fund--state appropriation in fiscal year 2000 and \$340,000 of the general fund--state appropriation in fiscal year 2001 are provided for learning centers in Skagit, Walla Walla, and Grays Harbor counties.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2000 and \$3,750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the safe food initiative. Of these amounts, \$500,000 each fiscal year is provided solely for the commission on pesticide registration.

(7) \$44,000 of the general fund--state appropriation for fiscal year 2000 and \$44,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research efforts to develop suitable and economical alternatives to field burning of grass seed harvest residue.

(8) \$165,000 of the general fund--state appropriation for fiscal year 2000 and \$166,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(9) \$750,000 of the general fund--state appropriation for fiscal year 2000 and \$750,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

(10) \$3,600,000 of the education construction account--state appropriation is provided to install a steam boiler in response to a failure incidence at the Pullman campus. Funds may be used to conduct

an energy audit of the campus-wide heating system to assess its viability and the need for modern upgrades.

(11) \$450,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for a portion of the costs of implementing a health science initiative by the university to enhance economic development in Spokane and eastern Washington. It is the intent of the legislature that funding for this initiative in future years be provided through nonstate grants awarded to the university. The funding for fiscal year 2001 is contingent on:

(a) The university adding to current research staff through employment of a lead researcher for its cancer research and prevention center operations in Spokane; and

(b) A commitment of the university to establish programs in Spokane that are currently conducted on the main university campus. The commitment is for increased allocation of main campus resources for this purpose starting in fiscal year 2001 through fiscal year 2003. The programs shall include, at a minimum, research activities by:

(i) The college of pharmacy;

(ii) The program in reproductive biology; and

(iii) The college of nursing cancer research programs.

The funding committed for these three programs shall be a minimum of \$875,000 from all sources of funds by the end of fiscal year 2001. The commitment shall be made to the satisfaction of the office of financial management, which shall then release funds appropriated for the Spokane activities.

Sec. 605. 1999 c 309 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2000) \$

41,620,000

General Fund--State Appropriation (FY 2001) \$

((43,345,000))

43,919,000

TOTAL APPROPRIATION \$

((84,965,000))

85,539,000

The appropriations in this section are subject to the following conditions and limitations: \$375,000 of the general fund--state appropriation for fiscal year 2000 and \$375,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

Sec. 606. 1999 c 309 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2000) \$

((41,898,000))

42,060,000

General Fund--State Appropriation (FY 2001) \$

((44,465,000))

	44,726,000
TOTAL APPROPRIATION \$	((86,363,000))
	<u>86,786,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$312,000 of the general fund--state appropriation for fiscal year 2000 and \$312,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment, retention, and equity salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) The office of financial management shall hold and release funds to the university at the rate of \$4,756 per enrolled state FTE student in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year shall lapse to the education savings account at the close of the biennium.

Sec. 607. 1999 c 309 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2000) \$

((22,359,000))

22,354,000

General Fund--State Appropriation (FY 2001) \$

((24,233,000))

24,793,000

TOTAL APPROPRIATION \$

((46,592,000))

47,147,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$188,000 of the general fund--state appropriation for fiscal year 2000 and \$188,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The college shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) ~~(\$101,000)~~ \$41,000 of the general fund--state appropriation for fiscal year 2000 and \$102,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the institute for public policy to complete studies of services described in subsection 202(1) of this act. If that subsection is not enacted, the amounts provided in this subsection shall lapse.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the institute for public policy to facilitate a work group pursuant to Second Substitute House Bill No.

1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills are enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$100,000 of the state general fund appropriations is provided solely for the institute for public policy to conduct a study of certain public high school programs in Washington. The study shall examine what high school educational opportunities are currently available for students. Information shall be gathered on program attributes, student demographics, and outcomes for high school programs including, but not limited to, college credit (e.g. advanced placement and running start), tech prep, distance learning, and career pathways. The institute shall report its findings to the legislature through an interim report due January 1, 2001, and a final report due September 15, 2001.

(5) \$258,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the institute for public policy to conduct a study of current issues in the state's child welfare system. The study shall: (a) Using existing data sources, examine criminal, substance abuse, and education outcomes of "Becca" youth (youth who have been placed in secure crisis residential facilities or mandatory chemical dependency treatment); (b) review and summarize existing research that identifies problems and barriers to improved educational attainment of children in long-term foster care, and suggest ways to improve the availability of information about the educational experiences of these children; (c) compare placement decisions and funding methodologies for residential care services for children in Washington to best practices in other states and in research literature, using a sample of children from different types of residential care settings; and (d) examine adoption support program criteria, service level decisions, and funding methodologies, using a sample of children receiving different levels of support. The office of the administrator for the courts, the department of social and health services, the superintendent of public instruction, and all other state and local governments shall provide access to any data necessary for the completion of this study. The institute shall provide a report with findings for issues (c) and (d) of this subsection by December 15, 2000, and a report with findings for issues (a) and (b) of this subsection by December 15, 2001.

(6) \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$51,000 of the general fund--state appropriation for fiscal year 2001 are provided for the institute for public policy to analyze strategies for containing state health care expenditures. The institute may contract for actuarial or other services as needed to complete these analyses, and shall report findings to the appropriate fiscal and policy committees of the legislature.

(7) \$12,000 of the general fund--state appropriation for fiscal year 2000 and \$63,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the institute for public policy to study the mission, programs, and usage of the state library. The institute shall provide a report to the legislature with recommendations regarding alternatives to improve state library services and or reduce costs by November 1, 2000.

(8) \$18,000 of the general fund--state appropriation for fiscal year 2000 and \$36,000 of the general fund--state appropriation for fiscal year 2001 are provided for the institute for public policy to identify and assess options for expanding Medicaid eligibility in accordance with H.R. 1180, the federal "ticket to work and work incentives improvement act of 1999." The assessment shall identify potential state costs and savings, and potential participant and public benefits, under alternative eligibility standards and participant cost-sharing requirements. In conducting its analysis, the institute shall consult with the governor's committee on disability issues and employment; the department of social and health services; other states which have enacted or which are studying similar expansions; and the federal social security and health care financing administrations. The institute shall report its findings to the health care and fiscal committees of the legislature by November 1, 2000.

Sec. 608. 1999 c 309 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2000) \$

53,293,000

General Fund--State Appropriation (FY 2001) \$

((56,272,000))

56,514,000

TOTAL APPROPRIATION \$

((109,565,000))

109,807,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$375,000 of the general fund--state appropriation for fiscal year 2000 and \$375,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) The office of financial management shall hold and release funds to the university at the rate of \$4,885 per enrolled state FTE student in excess of fiscal year 2000 actual annualized enrollment as determined in the budget driver tracking report prepared by the office of financial management. Moneys not earned by the university for enrolling additional state students during the 2000-2001 academic year shall lapse to the education savings account at the close of the biennium.

Sec. 609. 1999 c 309 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2000) \$

4,458,000

General Fund--State Appropriation (FY 2001) \$

8,027,000

General Fund--Federal Appropriation \$

653,000

TOTAL APPROPRIATION \$

13,138,000

The appropriations in this section are provided to carry out the accountability, performance measurement, policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) The board shall review, recommend changes if necessary, and approve plans defined in section 601(6) of this act for achieving measurable and specific improvements in academic years 1999-00 and 2000-01.

(2) \$280,000 of the general fund--state appropriation for fiscal year 2000 and \$280,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.585 (rural natural resources impact areas). The number of students served shall be 50 full-time equivalent students per fiscal year. The board shall ensure that enrollments reported under this subsection meet the criteria outlined in RCW 28B.80.570 through 28B.80.585.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2000 and \$4,650,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to contract for ~~((500))~~ 550 full-time equivalent undergraduate students in high-demand fields and programs as evidenced by limited current access, despite graduates who are highly sought after by employers of this state. The board shall consult with the office of financial management and the legislative fiscal and higher education committees to design and implement a bidding process to solicit proposals from public institutions to deliver these student enrollments. Participating institutions shall cooperate with the board to collect the data necessary to report to the governor and the legislature on the impact of this subsection, particularly the degree of improved access to high-demand fields and programs for students and successful job placements for graduates.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for competitive grants to public baccalaureate institutions to expand information technology programs. Successful grant applications to fund faculty, staff, or equipment for computer science, computer engineering, or related disciplines must include a match of nonstate cash or donations equivalent to the grant amount. No institution may receive more than \$1,000,000 from appropriations in this section. The board shall report on the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(5) \$600,000 of the general fund--state appropriation for fiscal year 2000 is provided solely for the higher education coordinating board fund for innovation and quality under RCW 28B.120.040. If Substitute House Bill No. 1013 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2000 and \$150,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Second Substitute House Bill No. 1729 (teacher training pilot program). If Second Substitute House Bill No. 1729 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(7) With funding provided in this section, the higher education coordinating board, in cooperation with the office of financial management and the state board for community and technical colleges, shall study the feasibility of collecting Washington enrollment data on distance learning programs sponsored by private institutions in Washington as well as by institutions outside the state of Washington, and it shall report findings to the legislature by January, 2000.

(8) With funding provided in this section, the higher education coordinating board shall study the feasibility of Washington State University operating on the quarter system and make recommendations to the appropriate legislative policy and fiscal committees by December 1, 2000.

(9) \$432,000 of the general fund--state appropriation for fiscal year 2000 and \$68,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

Sec. 610. 1999 c 309 s 611 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2000) \$	((106,945,000))
	<u>106,815,000</u>
General Fund--State Appropriation (FY 2001) \$	((117,807,000))
	<u>121,337,000</u>
General Fund--Federal Appropriation \$	2,422,000
Advanced College Tuition Payment Program Account--State Appropriation \$	3,408,000
TOTAL APPROPRIATION \$	((230,582,000))
	<u>233,982,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$534,000 of the general fund--state appropriation for fiscal year 2000 and \$529,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the displaced homemakers program.

(2) \$220,000 of the general fund--state appropriation for fiscal year 2000 and \$225,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the western interstate commission for higher education.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement an aid program for the benefit of elementary and secondary public school teachers who do not now hold a masters of education degree. Within available funds and until these funds are exhausted, the board may repay all or a portion of the educational expenses incurred by a teacher, or teacher candidate, for one year of masters' level studies at an accredited Washington college or university. Payment is conditioned upon the applicant's successful matriculation and resumption, or assumption, of classroom teaching duties in a public elementary or secondary school in this state. Among the potential applicants for this program, the board shall give priority to those individuals who returned to the classroom with a math or science teaching credential. The board may adopt rules as necessary to implement this program.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2000 and \$1,000,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) \$1,000,000 of the general fund--state appropriation is provided solely for a demonstration project to enable classified public K-12 employees to become future teachers, subject to the following conditions and limitations:

(i) Within available funds, the board shall offer conditional scholarships of up to \$4,000 per year for full or part-time studies that may be forgiven in exchange for teaching service in Washington's public K-12 schools. In selecting loan recipients, the board shall take into account the applicant's demonstrated academic ability and commitment to serve as a teacher within the state of Washington.

(ii) Loans shall be forgiven at the rate of one year of loan for two years of teaching service. Recipients who teach in geographic or subject-matter shortage areas, as specified by the office of the superintendent for public instruction, may have their loans forgiven at the rate of one year of loan for one year of teaching service;

(iii) Recipients who fail to fulfill the required teaching service shall be required to repay the conditional loan with interest. The board shall define the terms for repayment, including applicable interest rates, fees and deferments, and may adopt other rules as necessary to implement this demonstration project.

(iv) The board may deposit this appropriation and all collections into the student loan account authorized in RCW 28B.102.060.

(v) The board will provide the legislature and governor with findings about the impact of this demonstration project on persons entering the teaching profession in shortage areas by no later than January of 2002.

(6) \$75,000 of the general fund--state appropriation for fiscal year 2000 and \$75,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

~~((6) \$103,686,000)~~ (7) \$103,556,000 of the general fund--state appropriation for fiscal year 2000 and ~~((114,700,000))~~ \$117,230,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for student financial aid, including all administrative costs. Of these amounts:

(a) \$80,240,000 of the general fund--state appropriation for fiscal year 2000 and \$87,696,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program;

(b) \$15,350,000 of the general fund--state appropriation for fiscal year 2000 and \$15,350,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the state work study

program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program;

(c) \$2,920,000 of the general fund--state appropriation for fiscal year 2000 and \$2,920,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for educational opportunity grants. The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. For the purpose of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington;

(d) A maximum of 2.1 percent of the general fund--state appropriation for fiscal year 2000 and 2.1 percent of the general fund--state appropriation for fiscal year 2001 may be expended for financial aid administration, excluding the 4 percent state work study program administrative allowance provision;

(e) \$230,000 of the general fund--state appropriation for fiscal year 2000 and \$201,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the educator's excellence awards. Any educator's excellence moneys not awarded by April 1st of each year may be transferred by the board to either the Washington scholars program or to the Washington award for vocational excellence;

(f)(i) \$1,361,000 of the general fund--state appropriation for fiscal year 2000 and \$1,548,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or to the Washington award for vocational excellence;

(ii) Of the amounts in (f)(i) of this subsection, \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$207,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Second Substitute House Bill No. 1661 (Washington scholars program). If Second Substitute House Bill No. 1661 is not enacted prior to June 30, 1999, then the amounts provided in this subsection (6)(f)(ii) shall lapse;

(g) \$534,000 of the general fund--state appropriation for fiscal year 2000 and \$534,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or the Washington scholars program;

(h) ~~((251,000))~~ \$121,000 of the general fund--state appropriation for fiscal year 2000 and ~~((251,000))~~ \$381,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. ~~((No))~~ An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation; and

(i) \$2,800,000 of the general fund--state appropriation for fiscal year 2000 and ~~((6,200,000))~~ \$8,600,000 of the general fund--state appropriation for fiscal year 2001 are provided solely to establish the Washington promise scholarship program subject to the following conditions and limitations:

(i) Within available funds, the higher education coordinating board shall award scholarships for use at accredited institutions of higher education in the state of Washington to as many students as possible from among those qualifying under (iv) and (v) of this subsection. Each qualifying student will receive two consecutive annual installments, the value of each not to exceed the full-time annual resident tuition rates charged by community colleges.

(ii) Of the amounts provided, no more than \$250,000 each year is for administration of the Washington promise scholarship program.

(iii) The Washington's promise scholarship account is created in the custody of the state treasurer. The account shall be a discrete nonappropriated account. Other than funds provided for program administration, the higher education coordinating board shall deposit in this account all money

received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for these scholarships, private contributions, and receipts from refunds of tuition and fees.

(iv) Seniors in the top ten percent of their individual Washington state high school class in 1999 and whose family income does not exceed one hundred and thirty-five percent of the state's median family income, adjusted for family size qualify for a scholarship in fiscal year 2000.

(v) ~~((Seniors in the top fifteen percent of their individual Washington state high school class in 2000 and whose family income does not exceed one hundred thirty five percent of the state's median family income, adjusted for family size qualify for a scholarship in fiscal year 2001.))~~ Scholarships in fiscal year 2001 shall be awarded to students who graduate from high school or its equivalent whose family income does not exceed one hundred thirty-five percent of the state's median family income, adjusted for family size, if they meet any of the following academic criteria:

(A) Students graduating from public and approved private high schools under chapter 28A.195 RCW in 2001 must be in the top fifteen percent of their graduating class;

(B) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, and students participating in home-based instruction as provided in chapter 28A.200 RCW must equal or exceed a cumulative scholastic aptitude test score of 1200 on their first attempt.

(vi) For students eligible under subsections (iv) and (v) of this subsection, the superintendent of public instruction shall provide the higher education coordinating board with the names, addresses, and unique numeric identifiers of (A) students in the top ten percent, or (B) students in the top fifteen percent or who meet the scholastic aptitude test score requirement, as appropriate in each of the respective high school senior or home based instruction classes in Washington state. This shall be provided no later than ~~((August))~~ October 1 of each year.

(vii) Scholarships awarded under this section may only be used at accredited institutions of higher education in the state of Washington for college-related expenses, including but not limited to, tuition, room and board, books, materials, and transportation. The Washington promise scholarship award shall not supplant other scholarship awards, financial aid, or tax programs related to postsecondary education. Scholarships may not be transferred or refunded to students.

(viii) The higher education coordinating board shall evaluate the impact and effectiveness of the Washington promise scholarship program. The evaluation shall include, but not be limited to: (A) An analysis of other financial assistance promise scholarship recipients are receiving through other federal, state, and institutional programs, including grants, work study, tuition waivers, tax credits, and loan programs; (B) an analysis of whether the implementation of the promise scholarship program has had an impact on student indebtedness; and (C) an evaluation of what types of students are successfully completing high school but do not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient. The board shall report its findings to the governor and the legislature by November 1, 2001.

(ix) The higher education coordinating board may adopt rules as necessary to implement this program.

Sec. 611. 1999 c 309 s 613 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation (FY 2000) \$

~~((8,400,000))~~

8,419,000

General Fund--State Appropriation (FY 2001) \$

~~((8,198,000))~~

8,299,000

General Fund--Federal Appropriation \$

8,859,000

TOTAL APPROPRIATION \$

~~((25,457,000))~~

25,577,000

The appropriations in this section are subject to the following conditions and limitations: At least \$2,763,219 shall be expended for a contract with the Seattle public library for library services for the Washington book and braille library.

Sec. 612. 1999 c 309 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2000) \$	2,314,000
General Fund--State Appropriation (FY 2001) \$	2,562,000
General Fund--Federal Appropriation \$	((1,000,000))
	<u>1,020,000</u>
<u>General Fund--Private/Local Appropriation \$</u>	<u>25,000</u>
TOTAL APPROPRIATION \$	((5,876,000))
	<u>5,921,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 from the fiscal year 2000 general fund--state appropriation is provided solely for the arts in education program, arts organization funding, and for new arts funding for underserved communities. During fiscal year 2000, the agency shall prepare a strategic plan. The plan shall be submitted to the governor and appropriate committees of the legislature by July 1, 2000.

(2) \$500,000 from the fiscal year 2001 general fund--state appropriation is contingent upon the completion of the strategic plan required in subsection (1) of this section. If the strategic plan is not completed by July 1, 2000, the amount provided in this subsection shall lapse.

(3) Private/local funds appropriated in this section shall be used to complete the strategic planning process.

Sec. 613. 1999 c 309 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2000) \$	((2,646,000))
	<u>2,656,000</u>
General Fund--State Appropriation (FY 2001) \$	((2,661,000))
	<u>2,996,000</u>
TOTAL APPROPRIATION \$	((5,307,000))
	<u>5,652,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund--state appropriation for fiscal year 2000 and \$50,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for activities related to the Lewis and Clark Bicentennial.

(2) \$25,000 of the general fund--state appropriation for fiscal year 2000 and \$25,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for the purchase and replacement costs of historic elm trees along Des Moines memorial drive. These funds shall be allocated to the Highline historical society.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for the Columbia gorge interpretive center for the continued provision of interpretive services to the public. These funds shall be allocated to the Skamania historical society.

(4) \$10,000 of the general fund--state appropriation for fiscal year 2000 and \$135,000 of the general fund--state appropriation for fiscal year 2001 are provided solely for operation of the history lab project.

Sec. 614. 1999 c 309 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2000) \$	((3,986,000))
	<u>4,040,000</u>
General Fund--State Appropriation (FY 2001) \$	((4,006,000))
	<u>4,169,000</u>
General Fund--Private/Local Appropriation \$	644,000
TOTAL APPROPRIATION \$	((8,636,000))
	<u>8,853,000</u>

The appropriations in this section are subject to the following conditions and limitations:
\$103,556 of the general fund--state appropriation for fiscal year 2001 is provided for the implementation of Substitute Senate Bill No. 6361 (child abuse and neglect). If the bill is not enacted by June 30, 2000, this amount shall lapse.

Sec. 615. 1999 c 309 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2000) \$	((6,704,000))
	<u>6,768,000</u>
General Fund--State Appropriation (FY 2001) \$	((6,686,000))
	<u>6,931,000</u>
TOTAL APPROPRIATION \$	((13,390,000))
	<u>13,699,000</u>

The appropriations in this section are subject to the following conditions and limitations:
\$175,596 of the general fund--state appropriation for fiscal year 2001 is provided for the implementation of Substitute Senate Bill No. 6361 (child abuse and neglect). If the bill is not enacted by June 30, 2000, this amount shall lapse.

Sec. 616. 1999 c 309 s 612 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2000) \$	1,124,000
General Fund--State Appropriation (FY 2001) \$	((1,123,000))
	<u>1,723,000</u>
General Fund--Federal Appropriation \$	34,408,000
TOTAL APPROPRIATION \$	((36,655,000))
	<u>37,255,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$600,000 of the general fund--state appropriation for fiscal year 2001 is provided solely for grants to local work force development councils that will help close the skills gap facing Washington business. Expenditure of the grant amounts provided in this section is contingent upon receiving a 50 percent in-kind or cash nonstate match. The grants shall be used to:

- (1) Create partnerships with businesses, labor organizations, and industry associations that share common occupations for the purpose of determining their future employment and training needs;
- (2) Bring together community colleges and other employment and training providers to develop the programs that meet the employment and training needs defined by the above industry partnerships;
- (3) Expand the use of skills standards and customized training designed to meet the specific needs of business; and
- (4) Support increased use of on-the-job learning strategies among small- and medium-sized enterprises.

The board shall provide a preliminary report of the results of at least three partnerships by December 1, 2000, and shall present the report to the appropriate committees of the legislature. The preliminary report shall describe the progress of the partnerships toward meeting the skills gap. The work of all of the partnerships shall be completed by June 30, 2001, and a final report shall be provided to the appropriate committees of the legislature. The final report shall describe the customized training that the board, industries, and the community colleges will use to meet the skills gap.

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 1999 c 309 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2000) \$	((604,672,000))
	<u>634,792,000</u>
General Fund--State Appropriation (FY 2001) \$	((455,689,000))
	<u>435,288,000</u>
State Building Construction Account--State Appropriation \$	((4,168,000))
	<u>6,797,000</u>

Debt-Limit Reimbursable Bond Retirement Account--State Appropriation \$	((2,574,000))
	<u>2,565,000</u>
TOTAL APPROPRIATION \$	((1,067,103,000))
	<u>1,079,442,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2000 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2000.

Sec. 702. 1999 c 309 s 702 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES
 State Convention and Trade Center Account--State Appropriation \$

	((32,575,000))
	<u>32,724,000</u>
Accident Account--State Appropriation \$	5,080,000
Medical Aid Account--State Appropriation \$	5,080,000
TOTAL APPROPRIATION \$	((42,735,000))
	<u>42,884,000</u>

Sec. 703. 1999 c 309 s 703 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE
 General Fund--State Appropriation (FY 2000) \$

	((23,806,000))
	<u>23,678,000</u>
General Fund--State Appropriation (FY 2001) \$	((23,445,000))
	<u>23,283,000</u>
Higher Education Construction Account--State Appropriation \$	((118,000))
	<u>695,000</u>
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation \$	((106,498,000))
	<u>119,977,000</u>
Stadium and Exhibition Center Construction--State Appropriation \$	((1,250,000))

	<u>1,970,000</u>
TOTAL APPROPRIATION \$	((155,117,000))
	<u>169,603,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 704. 1999 c 309 s 705 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES
 General Fund--State Appropriation (FY 2000) \$ 567,000
 General Fund--State Appropriation (FY 2001) \$ 568,000
 Higher Education Construction Account--State Appropriation \$ ((30,000))
83,000
 State Building Construction Account--State Appropriation \$ 1,237,000
 Public Safety Reimbursable Bond Account--State Appropriation \$ ((3,000))
0
 Stadium/Exhibition Center Construction Account--State Appropriation \$ 250,000
 TOTAL APPROPRIATION \$ ((2,655,000))
2,705,000

Total Bond Retirement and Interest Appropriations contained in sections 701 through ~~((705))~~ 704 of this act and section 704, chapter 309, Laws of 1999 \$ ((1,268,839,000))
1,295,863,000

Sec. 705. 1999 c 309 s 710 (uncodified) is amended to read as follows:
FOR THE EDUCATION TECHNOLOGY REVOLVING ACCOUNT. The sum of ~~((8,200,000))~~ \$6,400,000 from the general fund and \$6,600,000 from the K-20 technology account are appropriated for fiscal year 2000 to the education technology revolving account.

Sec. 706. 1999 c 309 s 711 (uncodified) is amended to read as follows:
FOR THE AGRICULTURAL COLLEGE TRUST MANAGEMENT ACCOUNT
 Resource Management Cost Account Appropriation \$ ((2,632,000))
2,753,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be deposited in the agricultural college trust management account.

NEW SECTION. **Sec. 707.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES--DISTRIBUTION OF EXCESS FUNDS FROM THE FOREST DEVELOPMENT ACCOUNT

Forest Development Account--State Appropriation \$

10,000,000

The appropriation in this section is provided solely for distribution of state forest land revenues to taxing authorities that received such revenue from calendar year 1995 through calendar year 1999.

(1) Within fifteen days of the effective date of this section, the department shall transmit funds in the amounts specified in subsection (3) of this section to the county treasurers of the counties receiving the funds.

(2) The county treasurers of the counties listed in this section shall distribute funds received from this appropriation to taxing authorities in proportion to the state forest transfer land funds distributed to the taxing authorities based on information available for the calendar years 1995 through 1999. Funds to be credited to the state of Washington and funds credited to school district general levies shall be remitted to the state of Washington within thirty days after the effective date of this section for deposit into the salmon recovery account.

(3) Funds shall be distributed in the following amounts:

Clallam \$	1,468,937
Clark \$	560,244
Cowlitz \$	344,785
Grays Harbor \$	325,060
Jefferson \$	197,457
King \$	203,627
Kitsap \$	145,059
Klickitat \$	46,489
Lewis \$	1,465,767
Mason \$	196,270
Pacific \$	357,582
Pierce \$	124,595
Skagit \$	1,156,019
Skamania \$	189,649
Snohomish \$	1,200,492
Stevens \$	3,712
Thurston \$	

Wahkiakum \$	855,545
Whatcom \$	366,534
	792,178

TOTAL \$	10,000,000

NEW SECTION. **Sec. 708.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--SHORELINE BLOCK GRANTS

Salmon Recovery Account--State Appropriation \$ 5,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire salmon recovery account--state appropriation is provided solely for a grant program for cities and counties for the preservation and restoration of riparian, estuarine, and marine areas.

(1) Cities and counties may use grants provided pursuant to this section only for any one or more of the following purposes:

(a) Voluntary leases or licenses from willing lessors or licensors for shoreline conservation or preservation;

(b) Voluntary acquisition of less than fee simple interests from willing sellers for conservation futures, development rights, or conservation easements; or

(c) Restoration, maintenance, and monitoring of property leased or property interests acquired.

(2) Cities and counties may use grants provided pursuant to this section only for riparian, marine, or estuarine parcels, or the portion thereof, that:

(a) Have been designated as critical areas under chapter 36.70A RCW;

(b) Are located within a city's or county's shoreline management jurisdiction under chapter 90.58 RCW; or

(c) Have been identified as addressing a limiting factor under RCW 75.46.070.

(3) In making acquisition decisions, cities and counties shall consult with a designated lead entity that has been established under RCW 75.46.060, and shall give priority to riparian, marine, and estuarine projects or parcels:

(a) For which interests may be acquired or leases may be executed in coordination with acquisitions funded by the interagency committee for outdoor recreation according to chapter 79A.15 RCW; or

(b) That have been designated by the United States national marine fisheries service or the United States fish and wildlife service as critical habitat for threatened or endangered species according to 16 U.S.C. Sec. 1533(a)(3).

(4) Of the amount provided in this section, \$1,500,000 is provided solely for a pilot program in Skagit county to implement an agricultural riparian buffer plan. Skagit county shall report back to the appropriate policy and fiscal committees of the legislature by June 30, 2001, regarding the outcomes of the pilot program. If the Skagit county riparian buffer plan is not found by the growth management hearings board to be in compliance with the growth management act by December 31, 2000, the amount provided in this subsection shall lapse.

Sec. 709. 1999 c 309 s 713 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--YEAR 2000 ALLOCATIONS

General Fund--State Appropriation (FY 2000) \$

((5,000,000))

General Fund--Federal Appropriation \$	3,466,000
Hospital Commission Account--State Appropriation \$	462,000
Health Professions Account--State Appropriation \$	19,000
Certified Public Accountants' Account--State Appropriation \$	182,000
Safe Drinking Water Account--State Appropriation \$	5,000
Water Quality Permit Account--State Appropriation \$	96,000
State Health Care Authority Administrative Account--State Appropriation \$	258,000
Year 2000 Contingency Revolving Account--State Appropriation \$	1,456,000
Accident Account--State Appropriation \$	10,000,000
Medical Aid Account--State Appropriation \$	150,000
	150,000
TOTAL APPROPRIATION \$	((17,778,000))
	<u>16,244,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations will be allocated by the office of financial management to agencies to resolve year 2000 issues. Agencies shall submit their estimated costs to resolve year 2000 issues to the office of financial management.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the year 2000 contingency revolving account, in accordance with schedules provided by the office of financial management.

Sec. 710. 1999 c 309 s 714 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--EXTRAORDINARY CRIMINAL JUSTICE COSTS.

~~((1,200,000))~~ (1) \$510,000 of the public safety and education account, or so much thereof as may be necessary, is appropriated solely for providing financial assistance in the 1999-01 biennium to Okanogan county for extraordinary criminal justice costs incurred in the adjudication of an aggravated homicide case. The office of financial management, in consultation with Okanogan county, shall determine the amount to be paid based on an assessment of the portion of the costs associated with the homicide case which is disproportionate relative to the county's criminal justice resources. The amount paid under this section shall not exceed eighty percent of the total costs associated with the investigation, prosecution, indigent defense, jury impanelment, expert witness, interpreters, incarceration, and other adjudication costs of the case. On January 1, 2000, any unexpended funds of the amount appropriated in this section shall lapse and revert to the public safety and education account.

(2) \$550,000 of the public safety and education account, or so much thereof as may be necessary, is appropriated solely for providing financial assistance in the 1999-01 biennium to Franklin, Cowlitz, and Thurston counties for extraordinary criminal justice costs incurred in the adjudication of aggravated homicide cases. Within the amount appropriated in this subsection, the office of financial management, in consultation with the counties, shall determine the amount to be paid based on an assessment of the portion of the costs associated with the homicide case which is

disproportionate relative to the county's criminal justice resources. The amount paid under this section shall not exceed eighty percent of the total costs associated with the investigation, prosecution, indigent defense, jury impanelment, expert witness, interpreters, incarceration, and other adjudication costs of the cases. On January 1, 2001, any unexpended funds of the amount appropriated in this subsection shall lapse and revert to the public safety and education account.

NEW SECTION. Sec. 711. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--DIGITAL GOVERNMENT POOL	
Data Processing Revolving Account Appropriation \$	4,000,000
Master Licensing Account Appropriation \$	1,000,000
Digital Government Revolving Account \$	5,000,000
TOTAL APPROPRIATION \$	10,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The data processing revolving account appropriation and the digital government revolving account appropriation are provided solely to provide digital services of government to citizens, businesses, and to state and other governments. The office of financial management, in consultation with the department of information services, shall allocate these funds as needed for digital government projects.

(2) The master licensing account appropriation is provided solely to support systems to enable businesses to file their master business licenses electronically and to enable corporations and companies to file reports electronically.

(3) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the digital government revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management for additional digital government projects.

(4) Agencies receiving these allocations shall report at a minimum to the information services board and to the office of financial management on the progress of digital government projects and efforts.

NEW SECTION. Sec. 712. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--LEGAL COSTS	
General Fund--State Appropriation (FY 2000) \$	3,488,000
Salary and Insurance Increase Revolving Account Appropriation \$	688,000
Disaster Response Account--State Appropriation \$	200,000
TOTAL APPROPRIATION \$	4,376,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,464,000 of the general fund--state appropriation and the salary and insurance increase revolving account appropriation are provided to the department of personnel solely for costs associated with the settlement of the *Warner v. State of Washington* litigation.

(2) \$24,000 of the general fund--state appropriation is provided to the citizens' commission on salaries for elected officials solely for legal costs associated with the settlement in *CLEAN v. Citizens' Commission on Salaries for Elected Officials*.

(3) The disaster response account appropriation is provided to the military department solely to settle claims related to property damage caused by the release of flood waters from dams during the 1996 storm events.

NEW SECTION. Sec. 713. A new section is added to 1999 c 309 (uncodified) to read as follows:

MIDWIFERY CERTIFICATION PROGRAM. \$73,000 from the general fund--state is appropriated for fiscal year 2001 for the purposes of deposit to the health professions account to cover a revenue shortfall in the midwifery certification program in the department of health.

NEW SECTION. Sec. 714. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

(1) Douglas Jones, claim number SCJ 99-05	\$ 9,420
(2) Tyler Davis, claim number SCJ 99-07	\$ 4,933
(3) Joel Maza, claim number SCJ 99-08	\$ 4,236
(4) Thomas Vigil, claim number SCJ 99-09	\$ 8,070
(5) Wayne Tweed, claim number SCJ 99-10	\$ 5,588
(6) William Rhodes, claim number SCJ 99-11	\$ 5,000
(7) Lew Roberts, claim number SCJ 99-12	\$ 5,091
(8) Thomas Cheetham, claim number SCJ 99-13	\$ 7,648
(9) Adonta Goldsby, claim number SCJ 99-14	\$ 7,860
(10) Lorenzo Macklin, claim number SCJ 99-16	\$ 32,785
(11) Valeriano Rueda, claim number SCJ 99-17	\$ 1,211
(12) Duane Dunlap, claim number SCJ 00-01	\$ 19,646
(13) Nathan Borge, claim number SCJ 00-02	\$ 4,864
(14) George D. Easton Jr., claim number SCJ 00-03	\$ 5,837
(15) James Shank, claim number SCJ 00-04	\$ 9,977
(16) Jacob Sloboda, claim number SCJ 00-05	\$ 12,856
(17) Shawn G. Nickel, claim number SCJ 00-06	

(18) Anthony Montel Davis, claim number SCJ 00-07	\$ 4,214
(19) Gregory Owen Thornton, claim number SCJ 00-08	\$ 10,513
(20) Maximino Rivas, claim number SCJ 00-10	\$ 41,989
(21) Thomas Lee, claim number SCJ 97-01	\$ 1,438
	\$ 11,584

NEW SECTION. **Sec. 715.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--STAFF AND EFFICIENCY SAVINGS. The office of financial management shall reduce the appropriations for agencies of the state by \$1,094,000 from general fund--state fiscal year 2000 appropriations, \$2,553,000 from general fund--state fiscal year 2001 appropriations, and \$9,761,000 from a combination of reductions to appropriated and nonappropriated accounts to reflect staffing and efficiency savings. These reductions shall exclude federal funds. Reductions shall be made according to the legislative evaluation and accountability program committee document entitled "1999-01 Efficiency Reductions," dated April 24, 2000 at 5:00 p.m.

Sec. 716. 1999 c 309 s 718 (uncodified) is amended to read as follows:

For the period from July 1, 1999, through June 30, 2001, a one hundred fifty thousand dollar death benefit shall be paid as a sundry claim to ~~((a teacher's))~~ the estate ~~((if the teacher))~~ of an employee in the common school system of the state who is killed in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the director of the department of general administration ~~((if a teacher's estate is determined to be eligible for payment under this section))~~ by order under RCW 51.52.050.

Sec. 717. 1999 c 309 s 719 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation (FY 2000) \$	10,401,000
General Fund--State Appropriation (FY 2001) \$	((26,095,000))
	<u>28,834,000</u>
General Fund--Federal Appropriation \$	((12,987,000))
	<u>13,920,000</u>
General Fund--Private/Local Appropriation \$	((747,000))
	<u>797,000</u>
Salary and Insurance Increase Revolving Account Appropriation \$	((25,941,000))
	<u>27,900,000</u>
TOTAL APPROPRIATION \$	((75,166,000))

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed (((\$375.50)) \$388.02 per eligible employee for fiscal year 2000, and (((\$410.53)) \$425.64 for fiscal year 2001. The fiscal year 2001 funding rate includes \$0.02 per eligible employee for the benefit expansion in subsection (3) of this section, \$0.23 for increased assessments resulting from implementation of individual insurance market reform legislation (Substitute Senate Bill No. 6067), and \$1.82 for increased managed care trends.

~~(b) ((The monthly employer funding rate for the operating costs of the health care authority shall not exceed \$12.52 per eligible employee for fiscal year 2000, and \$13.04 for fiscal year 2001.~~

~~(c))~~ An additional \$2.42 per eligible employee shall be included in the employer funding rate for fiscal year((s)) 2000 and an additional \$7.23 for fiscal year 2001 to repay the public employees' and retirees' insurance account for any claims paid as a result of a court-approved stipulated settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1).

~~((d))~~ (c) An additional \$0.71 per eligible employee shall be included in the employer funding rate for fiscal year 2000, and an additional \$1.47 per eligible employee shall be included in the employer funding rate for fiscal year 2001, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

~~((e))~~ (d) An additional \$1.82 per eligible employee shall be included in the employer funding rate for fiscal year 2001 for uniform medical plan claims expenditures and reserves.

(e) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without prior legislative authorization.

(f) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium copayments, increase point-of-service cost sharing, and/or implement managed competition.

(g) The health care authority shall use funds accruing to the public employees' and retirees' insurance account in fiscal year 1999 from payments made by the standard insurance company to the state of Washington related to the state's basic long-term disability plan, for insurance costs in the 1999-2001 biennium.

(h) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) Health plans available through the public employees' benefits board, including the uniform medical plan, shall include coverage for all methods of prescription contraceptive drugs and devices approved by the federal food and drug administration. The specific conditions for expanded coverage shall be determined and designed by the public employees' benefits board.

(4) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2000 through December 31, 2000, the subsidy shall be \$62.48. Starting January 1, 2001, the subsidy shall be \$69.98 per month.

~~((4))~~ (5) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$22.03 per month beginning September 1, 1999, and \$25.06 beginning September 1, 2000;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$22.03 each month beginning September 1, 1999, and \$25.06 beginning September 1, 2000, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

~~((5))~~ (6) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1999-01 transportation appropriations act.

~~((6))~~ (7) The allocations to agencies and institutions under this section reflect a reduction of \$3,982,000 general fund--state for fiscal year 2000, an increase of \$458,000 general fund--state for fiscal year 2001, and reductions of \$1,330,000 general fund--federal, \$74,000 general fund--local, and \$3,342,000 salary and insurance increase revolving account, to reflect savings resulting from the implementation of employer pension rate reductions on July 1, 1999.

Sec. 718. 1999 c 309 s 720 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 1999, consistent with chapter 41.45 RCW as amended by this act, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2000) \$

~~((16,320,000))~~

16,082,000

General Fund--State Appropriation (FY 2001) \$

~~((18,050,000))~~

20,130,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations include \$3,564,000 general fund--state for fiscal year 2001 to pay the increased retirement contributions resulting from enactment of Engrossed Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this subsection shall lapse.

(b) The appropriations include reductions of \$238,000 general fund--state for fiscal year 2000 and \$1,484,000 general fund--state for fiscal year 2001, to reflect savings resulting from the implementation of new employer pension contribution rates based on the 1998 combined actuarial valuation conducted by the office of the state actuary effective May 1, 2000, as provided in section 906 of this act.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2000) \$

7,000,000

General Fund--State Appropriation (FY 2001) \$	7,000,000
(3) There is appropriated for contributions to the judges retirement system:	
General Fund--State Appropriation (FY 2000) \$	750,000
General Fund--State Appropriation (FY 2001) \$	750,000
TOTAL APPROPRIATION \$	((49,870,000))
	<u>51,712,000</u>

NEW SECTION. Sec. 719. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2001) \$	9,302,000
General Fund--Federal Appropriation \$	3,368,000
General Fund--Private/Local Appropriation \$	133,000
Special Account Retirement Contribution Increase Revolving Account Appropriation \$	8,081,000
TOTAL APPROPRIATION \$	20,884,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for state agencies and institutions to pay the increased retirement contributions resulting from enactment of Substitute Senate Bill No. 6530 (pension enhancements). If the bill is not enacted by June 30, 2000, the amount provided in this section shall lapse.

NEW SECTION. Sec. 720. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2000) \$	(1,715,000)
General Fund--State Appropriation (FY 2001) \$	(10,720,000)
General Fund--Federal Appropriation \$	(4,136,000)
General Fund--Private/Local Appropriation \$	(145,000)
Special Account Retirement Contribution Increase Revolving Account Appropriation \$	(8,661,000)
TOTAL APPROPRIATION \$	(25,377,000)

The appropriations in this section are provided solely to reduce agency and institution appropriations to reflect: (1) Savings resulting from the implementation of new employer pension contribution rates, effective May 1, 2000, based on the 1998 actuarial valuation studies conducted by the office of the state actuary as provided in section 906 of this act; and (2) a 0.04 percent increase in the department of retirement systems administrative expense rate, effective May 1, 2000, to fund implementation of the public employees' retirement system plan 3.

Sec. 721. 1999 c 309 s 723 (uncodified) is amended to read as follows:

SALARY COST OF LIVING ADJUSTMENT

General Fund--State Appropriation (FY 2000) \$	((33,614,000))
	<u>33,424,000</u>
General Fund--State Appropriation (FY 2001) \$	((68,186,000))
	<u>68,376,000</u>
General Fund--Federal Appropriation \$	31,436,000
General Fund--Private/Local Appropriation \$	((2,001,000))
	<u>2,014,000</u>
Salary and Insurance Increase Revolving Account Appropriation \$	72,609,000
TOTAL APPROPRIATION \$	((207,846,000))
	<u>207,859,000</u>

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.0 percent salary increase effective July 1, 1999, and a 3.0 percent salary increase effective July 1, 2000, for all classified employees, including those employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 3.0 percent salary increase effective July 1, 1999, and a 3.0 percent increase effective July 1, 2000, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 3.0 percent salary increase effective July 1, 1999, and a 3.0 percent salary increase effective July 1, 2000, for ferry workers consistent with the 1999-01 transportation appropriations act.

(4)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(b) The average salary increases paid under this section and section 724 of this act to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided by subsection (2) of this section.

(5) The appropriations in this section include \$1,498,000 general fund--state for fiscal year 2000, \$1,765,000 general fund--state for fiscal year 2001, and a reduction of \$3,263,000 general fund--

-federal for the department of social and health services to adjust employer pension funding levels to reflect historical fund source ratios.

Sec. 722. 1999 c 309 s 727 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD

General Fund--State Appropriation (FY 2000) \$	((6,543,000))
	<u>6,578,000</u>
General Fund--State Appropriation (FY 2001) \$	((6,543,000))
	<u>7,379,000</u>
General Fund--Federal Appropriation \$	((3,343,000))
	<u>3,743,000</u>
General Fund--Private/Local Appropriation \$	173,000
Salary and Insurance Increase Revolving Account Appropriation \$	((22,783,000))
	<u>23,025,000</u>
TOTAL APPROPRIATION \$	((39,385,000))
	<u>40,898,000</u>

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) Funding is provided to implement the salary increase recommendations of the Washington personnel resources board for the top 26 priority classes identified pursuant to RCW 41.06.152. The salary increases shall be effective July 1, 1999.

(2) \$800,000 of the general fund--state appropriation for fiscal year 2001 and \$400,000 of the general fund--federal appropriation are provided solely for one or more additional steps to the following registered nurse job classes used in state mental hospitals, developmental disability facilities, correctional facilities, and other similar state institutional settings: Registered nurse 1-3; community nurse specialist; clinical nurse specialist; and nurse practitioner. Funding is contingent upon review and approval by the personnel resources board that providing additional steps is an appropriate means to improve the recruitment and retention of registered nurses at Western state hospital and the McNeil Island correctional facility, and upon approval by the office of financial management that the annual general fund--state cost of the increases proposed for approval does not exceed \$800,000.

NEW SECTION. **Sec. 723.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE MULTIMODAL TRANSPORTATION ACCOUNT. The sum of fifty million dollars is appropriated from the general fund to the multimodal transportation account for fiscal year 2000.

NEW SECTION. **Sec. 724.** A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--REGIONAL TRANSIT

AUTHORITY. (1) The sum of twelve million seven hundred thousand dollars is appropriated from the general fund--state for fiscal year 2001 solely for allocation to Sound Transit regional transit authority for the King street rail maintenance facility to be built in partnership with Amtrak. The appropriation in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, Sound Transit, and other participating parties that will assure that the maintenance and operation of the maintenance facility will not require state funding except for billings for maintenance of state-owned passenger trains.

(2) The sum of fifteen million dollars is appropriated from the state general fund for fiscal year 2000 solely for allocation to Sound Transit regional transit authority as a state contribution.

(3) The amounts appropriated in this section constitute a transfer of local government costs under RCW 43.135.060(2).

NEW SECTION. **Sec. 725.** A new section is added to 1999 c 309 (uncodified) to read as follows:

PUGET SOUND FERRY OPERATIONS ACCOUNT. The sum of twenty million dollars is appropriated from the general fund to the Puget Sound ferry operations account for fiscal year 2001 to carry out the purposes of the account.

NEW SECTION. **Sec. 726.** A new section is added to 1999 c 309 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--PUBLIC TRANSPORTATION
BENEFIT AREAS**

(1) For the biennium ending June 30, 2001, as limited by general fund appropriation, the state shall provide a portion of the local share of any political subdivisions' costs for transit programs and services that are the ongoing responsibility of the recipient political subdivision. Such funding shall supplant local funding for this purpose. Any appropriation by the state is a transfer of local government costs under RCW 43.135.060(2), but does not constitute a state obligation after June 30, 2001.

(2) Subject to subsection (1) of this section, the following amounts are appropriated from the general fund to the office of financial management for distribution to the following public transportation benefit areas in the amounts designated:

1999-2001

System Benefit Area FY 2001 Biennium

Ben Franklin Transit Benton-Franklin PTBA 2,401,200 2,401,200
Clallam Transit System Clallam County PTBA 767,400 767,400
Community Transit Snohomish County PTBA 6,857,400 6,857,400
C-Tran Clark County PTBA 4,355,000 4,355,000
Community Urban Bus Service Cowlitz PTBA 310,800 310,800
Everett Transit City of Everett 556,000 556,000
Grant Transit Authority Grant County 657,800 657,800
Grays Harbor Transportation Authority Grays Harbor 772,700 772,700
Intercity Transit Thurston County PTBA 2,763,000 2,763,000
Island Transit Island County PTBA 593,200 593,200
Jefferson Transit Authority Jefferson County PTBA 305,500 305,500
Kitsap Transit Kitsap County PTBA 2,936,100 2,936,100
Link Chelan-Douglas PTBA 1,472,400 1,472,400
Mason County Transportation Authority Mason County 249,400 249,400
Metropolitan King\County King County 35,973,300 35,973,300
Pacific Transit Pacific County 203,000 203,000
Pierce Transit Pierce County PTBA 8,423,900 8,423,900
Pullman Transit Whitman County PTBA 198,300 198,300

Skagit Transit System Skagit PTBA 1,074,200 1,074,200
 Spokane Transit Authority Spokane County PTBA 5,774,100 5,774,100
 Twin Transit Lewis County PTBA 199,300 199,300
 Valley Transit Walla Walla County PTBA 482,800 482,800
 Whatcom Transportation Authority Whatcom County PTBA 2,321,500 2,321,500
 Yakima Transit City of Yakima 351,700 351,700

TOTAL APPROPRIATIONS \$80,000,000 \$80,000,000

NEW SECTION. Sec. 727. A new section is added to 1999 c 309 (uncodified) to read as follows:

LOCAL GOVERNMENT FINANCIAL ASSISTANCE

(1) The legislature recognizes the need for ongoing financial assistance to local governments for the purposes of public safety, criminal justice, public health, and other operations. Therefore, it is the intent of the legislature that the state provide funding for the current and future fiscal biennia for a portion of local governments' costs for these programs and services that are the ongoing responsibility of the recipient local government.

(2)(a) Moneys appropriated in sections 728 and 729 of this act shall be used to supplant a portion of the costs of existing local programs, as specified in this section:

(i) In section 728 of this act, moneys are provided for the superior court system, police operations, crime prevention, care and custody of prisoners, and legal services; and

(ii) In section 729 of this act, moneys are provided for municipal court systems, police operations, fire protection services, transportation, crime prevention, care and custody of prisoners, and legal services.

(b) Moneys appropriated in sections 728 and 729 of this act constitute a transfer to the state of local government costs under RCW 43.135.060(2).

(3) It is the intent of the legislature that the funding provided in sections 728, 729, and 730 of this act, increased by the fiscal growth factor, will be appropriated in subsequent fiscal biennia.

NEW SECTION. Sec. 728. A new section is added to 1999 c 309 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--
 COUNTY CORPORATION ASSISTANCE**

General Fund--State Appropriation (FY 2000) \$	11,873,986
General Fund--State Appropriation (FY 2001) \$	23,747,967
TOTAL APPROPRIATION \$	35,621,953

The appropriations in this section are subject to section 727 of this act and to the following conditions and limitations:

(1) The director of community, trade, and economic development shall distribute the appropriations to the following counties in the amounts designated:

1999-2001

County FY 2000 FY 2001 Biennium

Adams 142,824 285,647 428,471
 Asotin 205,338 410,676 616,014
 Benton 468,011 936,021 1,404,032
 Chelan 312,753 625,506 938,259
 Clallam 217,959 435,918 653,877
 Clark 302,114 604,227 906,341

Columbia 276,438 552,876 829,314
 Cowlitz 374,960 749,919 1,124,879
 Douglas 241,831 483,661 725,492
 Ferry 191,828 383,655 575,483
 Franklin 210,840 421,679 632,519
 Garfield 281,070 562,140 843,210
 Grant 278,047 556,095 834,142
 Grays Harbor 265,825 531,649 797,474
 Island 232,399 464,797 697,196
 Jefferson 115,144 230,288 345,432
 King 1,305,948 2,611,895 3,917,843
 Kitsap 230,697 461,394 692,091
 Kittitas 175,719 351,437 527,156
 Klickitat 95,922 191,845 287,767
 Lewis 285,612 571,225 856,837
 Lincoln 139,944 279,888 419,832
 Mason 440,831 881,661 1,322,492
 Okanogan 269,627 539,254 808,881
 Pacific 169,265 338,529 507,794
 Pend Oreille 137,923 275,846 413,769
 Pierce 606,124 1,212,249 1,818,373
 San Juan 39,737 79,475 119,212
 Skagit 439,967 879,935 1,319,902
 Skamania 85,034 170,068 255,102
 Snohomish 488,785 977,571 1,466,356
 Spokane 393,723 787,446 1,181,169
 Stevens 394,764 789,528 1,184,292
 Thurston 502,516 1,005,033 1,507,549
 Wahkiakum 249,694 499,388 749,082
 Walla Walla 118,173 236,345 354,518
 Whatcom 193,639 387,277 580,916
 Whitman 65,984 131,969 197,953
 Yakima 926,977 1,853,955 2,780,932

TOTAL APPROPRIATIONS \$11,873,986 \$23,747,967 \$35,621,953

(2) The fiscal year 2000 appropriation is provided for distribution for calendar year 2000 for the period from July 1 through December 31, and the fiscal year 2001 appropriation is provided for calendar year 2001.

NEW SECTION. **Sec. 729.** A new section is added to 1999 c 309 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--
MUNICIPAL CORPORATION ASSISTANCE**

General Fund--State Appropriation (FY 2000) \$	21,661,158
General Fund--State Appropriation (FY 2001) \$	44,638,842
TOTAL APPROPRIATION \$	66,300,000

The appropriations in this section are subject to section 727 of this act and the following conditions and limitations:

(1) The director of community, trade, and economic development shall distribute the fiscal year 2000 appropriation and \$43,322,305 of the fiscal year 2001 appropriation to the following cities and municipalities in the amounts designated:

1999-2001

City FY 2000 FY 2001 Biennium

Aberdeen 58,364 116,729 175,093
Airway Heights 54,120 108,239 162,359
Albion 30,529 61,059 91,588
Algona 15,436 30,871 46,307
Almira 4,946 9,893 14,839
Anacortes 34,503 69,005 103,508
Arlington 20,598 41,195 61,793
Asotin 24,725 49,450 74,175
Auburn 93,591 187,183 280,774
Bainbridge Island 142,937 285,875 428,812
Battle Ground 57,546 115,092 172,638
Beaux Arts 868 1,736 2,604
Bellevue 254,988 509,975 764,963
Bellingham 179,551 359,102 538,653
Benton City 47,418 94,836 142,254
Bingen 3,212 6,423 9,635
Black Diamond 110,589 221,177 331,766
Blaine 10,143 20,287 30,430
Bonney Lake 77,215 154,429 231,644
Bothell 66,772 133,544 200,316
Bremerton 104,105 208,211 312,316
Brewster 5,473 10,945 16,418
Bridgeport 86,287 172,575 258,862
Brier 258,786 517,571 776,357
Buckley 33,188 66,375 99,563
Bucoda 22,827 45,653 68,480
Burien 138,274 276,549 414,823
Burlington 13,332 26,663 39,995
Camas 26,099 52,198 78,297
Carbonado 25,434 50,867 76,301
Carnation 4,667 9,333 14,000
Cashmere 46,531 93,062 139,593
Castle Rock 11,309 22,619 33,928
Cathlamet 3,048 6,095 9,143
Centralia 49,336 98,673 148,009
Chehalis 16,831 33,662 50,493
Chelan 9,493 18,985 28,478
Cheney 152,893 305,785 458,678
Chewelah 22,652 45,305 67,957
Clarkston 40,816 81,632 122,448
Cle Elum 4,228 8,456 12,684
Clyde Hill 45,988 91,977 137,965
Colfax 24,996 49,991 74,987
College Place 256,095 512,190 768,285
Colton 11,689 23,379 35,068
Colville 11,377 22,754 34,131
Conconully 6,064 12,127 18,191

Concrete 8,666 17,331 25,997
Connell 65,569 131,137 196,706
Cosmopolis 7,489 14,977 22,466
Coulee City 1,364 2,728 4,092
Coulee Dam 22,075 44,149 66,224
Coupeville 3,750 7,499 11,249
Covington 336,050 672,099 1,008,149
Creston 5,294 10,589 15,883
Cusick 3,354 6,708 10,062
Darrington 23,691 47,382 71,073
Davenport 25,650 51,301 76,951
Dayton 35,094 70,189 105,283
Deer Park 7,812 15,623 23,435
Des Moines 720,945 1,441,891 2,162,836
Dupont 3,944 7,889 11,833
Duvall 32,166 64,333 96,499
East Wenatchee 14,922 29,845 44,767
Eatonville 4,304 8,608 12,912
Edgewood 438,645 877,290 1,315,935
Edmonds 221,975 443,950 665,925
Electric City 39,033 78,066 117,099
Ellensburg 39,878 79,757 119,635
Elma 26,813 53,627 80,440
Elmer City 13,657 27,314 40,971
Endicott 13,252 26,503 39,755
Entiat 24,088 48,176 72,264
Enumclaw 25,787 51,574 77,361
Ephrata 29,180 58,359 87,539
Everett 240,990 481,981 722,971
Everson 23,832 47,663 71,495
Fairfield 7,054 14,107 21,161
Farmington 5,435 10,869 16,304
Federal Way 228,709 457,417 686,126
Ferndale 36,321 72,642 108,963
Fife 12,360 24,721 37,081
Fircrest 187,832 375,665 563,497
Forks 40,404 80,808 121,212
Friday Harbor 4,763 9,525 14,288
Garfield 20,511 41,022 61,533
George 8,018 16,036 24,054
Gig Harbor 15,379 30,757 46,136
Gold Bar 59,316 118,633 177,949
Goldendale 18,713 37,427 56,140
Grand Coulee 2,824 5,647 8,471
Grandview 124,695 249,389 374,084
Granger 77,252 154,505 231,757
Granite Falls 5,324 10,649 15,973
Hamilton 7,414 14,828 22,242
Harrah 21,302 42,603 63,905
Harrington 7,185 14,371 21,556
Hartline 5,045 10,090 15,135
Hatton 5,584 11,167 16,751
Hoquiam 182,363 364,727 547,090
Hunts Point 1,183 2,366 3,549

Ilwaco 5,845 11,689 17,534
Index 1,447 2,893 4,340
Ione 7,246 14,491 21,737
Issaquah 24,322 48,645 72,967
Kahlotus 8,996 17,993 26,989
Kalama 3,839 7,678 11,517
Kelso 33,517 67,034 100,551
Kenmore 534,777 1,069,554 1,604,331
Kennewick 142,783 285,567 428,350
Kent 175,418 350,836 526,254
Kettle Falls 24,016 48,032 72,048
Kirkland 107,709 215,419 323,128
Kittitas 32,131 64,263 96,394
Krupp 1,976 3,951 5,927
La Center 10,329 20,657 30,986
La Conner 1,857 3,713 5,570
La Crosse 8,367 16,733 25,100
Lacey 69,677 139,355 209,032
Lake Forest Park 436,780 873,560 1,310,340
Lake Stevens 69,216 138,433 207,649
Lakewood 1,437,449 2,874,899 4,312,348
Lamont 3,337 6,673 10,010
Langley 2,579 5,159 7,738
Latah 5,286 10,572 15,858
Leavenworth 5,929 11,858 17,787
Lind 1,079 2,157 3,236
Long Beach 4,995 9,990 14,985
Longview 121,527 243,055 364,582
Lyman 7,448 14,895 22,343
Lynden 20,779 41,558 62,337
Lynnwood 79,570 159,139 238,709
Mabton 64,750 129,501 194,251
Malden 10,013 20,027 30,040
Mansfield 12,013 24,027 36,040
Maple Valley 174,860 349,721 524,581
Marcus 6,427 12,855 19,282
Marysville 49,630 99,259 148,889
Mattawa 43,861 87,723 131,584
McCleary 44,237 88,473 132,710
Medical Lake 55,610 111,220 166,830
Medina 6,983 13,965 20,948
Mercer Island 186,558 373,117 559,675
Mesa 6,944 13,887 20,831
Metaline 6,362 12,723 19,085
Metaline Falls 3,004 6,008 9,012
Mill Creek 84,879 169,759 254,638
Millwood 8,826 17,651 26,477
Milton 13,635 27,269 40,904
Monroe 27,492 54,983 82,475
Montesano 24,687 49,375 74,062
Morton 2,866 5,731 8,597
Moses Lake 51,401 102,802 154,203
Mossyrock 5,999 11,998 17,997
Mount Vernon 63,615 127,230 190,845

Mountlake Terrace 345,942 691,884 1,037,826
Moxee 13,417 26,833 40,250
Mukilteo 133,516 267,032 400,548
Naches 3,507 7,015 10,522
Napavine 42,896 85,793 128,689
Nespelem 8,226 16,452 24,678
Newcastle 141,454 282,908 424,362
Newport 6,432 12,864 19,296
Nooksack 25,088 50,175 75,263
Normandy Park 237,918 475,837 713,755
North Bend 10,095 20,191 30,286
North Bonneville 12,102 24,205 36,307
Northport 10,412 20,823 31,235
Oak Harbor 135,304 270,607 405,911
Oakesdale 13,679 27,357 41,036
Oakville 18,504 37,008 55,512
Ocean Shores 31,538 63,077 94,615
Odessa 2,297 4,593 6,890
Okanogan 5,995 11,989 17,984
Olympia 96,545 193,089 289,634
Omak 12,704 25,408 38,112
Oroville 6,083 12,167 18,250
Orting 78,685 157,369 236,054
Othello 13,040 26,080 39,120
Pacific 33,624 67,248 100,872
Palouse 22,092 44,185 66,277
Pasco 63,867 127,734 191,601
Pateros 9,521 19,042 28,563
Pe Ell 24,796 49,591 74,387
Pomeroy 18,951 37,902 56,853
Port Angeles 60,606 121,213 181,819
Port Orchard 20,332 40,663 60,995
Port Townsend 22,923 45,847 68,770
Poulsbo 15,475 30,949 46,424
Prescott 5,050 10,100 15,150
Prosser 11,741 23,482 35,223
Pullman 284,395 568,790 853,185
Puyallup 73,807 147,614 221,421
Quincy 9,847 19,695 29,542
Rainier 48,712 97,424 146,136
Raymond 25,745 51,491 77,236
Reardan 17,071 34,142 51,213
Redmond 104,708 209,416 314,124
Renton 114,336 228,673 343,009
Republic 9,387 18,773 28,160
Richland 214,871 429,743 644,614
Ridgefield 19,196 38,393 57,589
Ritzville 4,134 8,267 12,401
Riverside 12,230 24,459 36,689
Rock Island 14,499 28,998 43,497
Rockford 7,493 14,987 22,480
Rosalia 15,440 30,881 46,321
Roslyn 27,893 55,786 83,679
Roy 832 1,663 2,495

Royal City 27,769 55,538 83,307
Ruston 19,537 39,075 58,612
Sammamish 1,148,668 2,297,337 3,446,005
Seatac 64,297 128,595 192,892
Seattle 1,551,389 3,102,778 4,654,167
Sedro-Woolley 26,703 53,406 80,109
Selah 39,257 78,513 117,770
Sequim 10,637 21,273 31,910
Shelton 28,290 56,581 84,871
Shoreline 722,414 1,444,827 2,167,241
Skykomish 689 1,379 2,068
Snohomish 19,808 39,617 59,425
Snoqualmie 4,663 9,327 13,990
Soap Lake 44,365 88,729 133,094
South Bend 29,296 58,591 87,887
South Cle Elum 20,735 41,471 62,206
South Prairie 7,114 14,228 21,342
Spangle 680 1,359 2,039
Spokane 543,058 1,086,116 1,629,174
Sprague 9,350 18,701 28,051
Springdale 4,522 9,043 13,565
St. John 2,065 4,130 6,195
Stanwood 10,283 20,567 30,850
Starbuck 4,158 8,315 12,473
Steilacoom 139,025 278,049 417,074
Stevenson 5,678 11,356 17,034
Sultan 21,322 42,644 63,966
Sumas 3,836 7,671 11,507
Sumner 20,397 40,793 61,190
Sunnyside 34,442 68,883 103,325
Tacoma 673,532 1,347,063 2,020,595
Tekoa 20,548 41,095 61,643
Tenino 27,398 54,795 82,193
Tieton 32,401 64,801 97,202
Toledo 3,070 6,140 9,210
Tonasket 2,675 5,351 8,026
Toppenish 215,725 431,451 647,176
Tukwila 36,638 73,276 109,914
Tumwater 30,085 60,169 90,254
Twisp 2,332 4,663 6,995
Union Gap 13,197 26,393 39,590
Uniontown 8,436 16,871 25,307
University Place 919,308 1,838,615 2,757,923
Vader 18,415 36,831 55,246
Vancouver 572,811 1,145,621 1,718,432
Waitsburg 33,585 67,171 100,756
Walla Walla 155,014 310,029 465,043
Wapato 112,259 224,519 336,778
Warden 40,328 80,656 120,984
Washougal 86,109 172,217 258,326
Washtucna 9,256 18,513 27,769
Waterville 29,923 59,846 89,769
Waverly 4,582 9,163 13,745
Wenatchee 71,798 143,596 215,394

West Richland 238,229 476,459 714,688
 Westport 6,671 13,343 20,014
 White Salmon 17,923 35,845 53,768
 Wilbur 7,091 14,181 21,272
 Wilkeson 7,460 14,919 22,379
 Wilson Creek 8,297 16,594 24,891
 Winlock 12,931 25,863 38,794
 Winthrop 854 1,708 2,562
 Woodinville 27,266 54,531 81,797
 Woodland 8,736 17,473 26,209
 Woodway 6,086 12,173 18,259
 Yacolt 15,650 31,299 46,949
 Yakima 237,263 474,527 711,790
 Yarrow Point 10,253 20,506 30,759
 Yelm 7,625 15,251 22,876
 Zillah 36,996 73,993 110,989

TOTAL APPROPRIATIONS \$21,661,158 \$43,322,305 \$64,983,463

(2) The fiscal year 2000 appropriation is provided for distribution for calendar year 2000 for the period from July 1 through December 31, and the fiscal year 2001 appropriation is provided for calendar year 2001.

(3) \$1,316,537 of the fiscal year 2001 appropriation is provided solely to address the contingencies listed in this subsection. The department shall distribute the moneys no later than December 31, 2000. Moneys shall be distributed for the following purposes, ranked in order of priority:

- (a) To correct for data errors in the determination of distributions in subsection (1) of this section;
- (b) To distribute to newly qualifying jurisdictions as if the jurisdiction had been in existence prior to November 1999;
- (c) To allocate under emergency situations as determined by the director of community, trade, and economic development in consultation with the association of Washington cities; and
- (d) After November 20, 2000, moneys remaining from the amount provided in this subsection following the distributions under (a), (b), and (c) of this subsection shall be distributed to cities and towns in ascending order of population to provide additional funds so that the resulting impact of the loss of motor vehicle excise tax funding is no more than five percent of unrestricted revenues.
- (e) For the purposes of this subsection, (i) "unrestricted revenues" is the state auditor's office definition of unrestricted revenues for the calendar year 1998 state budget and accounting reporting system (BARS) data; and (ii) "loss of motor vehicle excise tax funding" is defined as the amount of forgone motor vehicle excise tax revenue for fiscal year 2001 due to the passage of Initiative Measure No. 695, as indicated in LEAP document LG-2000.

NEW SECTION. **Sec. 730.** A new section is added to 1999 c 309 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--
 COUNTY PUBLIC HEALTH ASSISTANCE**

The sum of \$33,183,801 is appropriated from the health services account to the department of community, trade, and economic development for distribution for the purposes of public health. Of the amounts provided, \$11,061,266 is to be distributed for calendar year 2000 for the period from July 1 through December 31, and \$22,122,535 is to be distributed for calendar year 2001, to the following counties and health districts in the amounts designated:

1999-2001

County or Health District FY 2000 FY 2001 Biennium

Adams County Health District 15,165 30,330 45,495
 Asotin County Health District 30,008 60,015 90,023
 Benton-Franklin Health District 551,371 1,102,742 1,654,113
 Chelan-Douglas Health District 79,726 159,451 239,177
 Clallam County Health and Human Services Department 68,512 137,024 205,536
 Southwest Washington Health District 512,816 1,025,631 1,538,447
 Columbia County Health District 19,857 39,715 59,572
 Cowlitz County Health Department 129,921 259,842 389,763
 Garfield County Health District 7,363 14,726 22,089
 Grant County Health District 48,355 96,710 145,065
 Grays Harbor Health Department 90,088 180,176 270,264
 Island County Health Department 37,465 74,930 112,395
 Jefferson County Health and Human Services 38,072 76,145 114,217
 Seattle-King County Department of Public Health 4,153,122 8,306,245 12,459,367
 Bremerton-Kitsap County Health District 271,037 542,074 813,111
 Kittitas County Health Department 38,712 77,425 116,137
 Klickitat County Health Department 24,002 48,004 72,006
 Lewis County Health Department 49,704 99,409 149,113
 Lincoln County Health Department 10,306 20,613 30,919
 Mason County Department of Health Services 40,946 81,893 122,839
 Okanogan County Health District 30,549 61,099 91,648
 Pacific County Health Department 37,935 75,871 113,806
 Tacoma-Pierce County Health Department 1,372,177 2,744,353 4,116,530
 San Juan County Health and Community Services 15,058 30,116 45,174
 Skagit County Health Department 98,115 196,230 294,345
 Snohomish Health District 1,090,447 2,180,893 3,271,340
 Spokane County Health District 1,027,015 2,054,031 3,081,046
 Northeast Tri-County Health District 47,995 95,991 143,986
 Thurston County Health Department 287,121 574,242 861,363
 Wahkiakum County Health Department 6,748 13,495 20,243
 Walla Walla County-City Health Department 83,532 167,063 250,595
 Whatcom County Health Department 409,608 819,215 1,228,823
 Whitman County Health Department 38,071 76,142 114,213
 Yakima Health District 300,347 600,694 901,041

TOTAL APPROPRIATIONS \$11,061,266 \$22,122,535 \$33,183,801

NEW SECTION. Sec. 731. A new section is added to 1999 c 309 (uncodified) to read as follows:

LOCAL GOVERNMENT TASK FORCE. A task force is created to provide the legislature with recommendations on the future distribution of ongoing funding to cities, counties, and public health districts and departments as provided in sections 728, 729, and 730 of this act.

(1) The task force shall consist of eight members as follows: Four legislative members, appointed by the cospeakers of the house of representatives and the president of the senate, including one each from the two largest caucuses of the house of representatives and the senate; one representative each from the association of Washington cities and the Washington state association of counties; and one representative each from the office of financial management and department of community, trade, and economic development.

(2) The task force shall identify the manner in which ongoing state funding of city, county, and public health program costs would be distributed. Representatives of local jurisdictions and their respective associations shall develop a methodology for the ongoing distribution of funding for the consideration of the task force. The task force shall, at a minimum, consider tax capacity and tax base in determining a distribution methodology.

(3) The task force shall submit a report of its recommendations to the governor and the legislature by November 1, 2000.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 1999 c 309 s 801 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums distribution \$	6,617,250
General Fund Appropriation for public utility district excise tax distribution \$	35,876,898
General Fund Appropriation for prosecuting attorneys salaries \$	2,960,000
City Police and Fire Protection Assistance Account Appropriation \$	((95,667,000))
	<u>33,383,000</u>
General Fund Appropriation for camper and travel trailer excise tax distribution \$	((4,325,826))
	<u>2,061,000</u>
General Fund Appropriation for boating safety/education and law enforcement distribution \$	3,616,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$	138,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$	25,580,000
Liquor Revolving Fund Appropriation for liquor profits distribution \$	52,269,932
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties \$	74,025,900
Municipal Sales and Use Tax Equalization Account Appropriation \$	((84,851,000))
	<u>28,145,000</u>
County Sales and Use Tax Equalization Account Appropriation \$	((13,147,000))
	<u>9,426,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$	1,375,332
County Criminal Justice Account Appropriation \$	((103,169,000))
	<u>70,490,000</u>
Municipal Criminal Justice Account Appropriation \$	((40,269,000))
	<u>29,519,000</u>
County Public Health Account Appropriation \$	

	((51,520,250))
	<u>17,938,000</u>
<u>Distressed County Assistance Account Appropriation \$</u>	<u>4,928,000</u>
TOTAL APPROPRIATION \$	((595,408,380))
	<u>398,349,312</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. A new section is added to 1999 c 309 (uncodified) to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Local Toxics Control Account: For transfer to the state toxics control account on or before June 1, 2000, an amount equal to \$1,500,000. This transfer shall be repaid to the local toxics control account from moneys in the state toxics control account by June 30, 2005. The transfer shall be repaid prior to June 30, 2005, to the extent that moneys are received from the cost recovery action at the Everett smelter site \$	1,500,000
Park Land Trust Revolving Fund: For transfer to the common school construction fund, \$13,350,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to \$13,550,000. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit \$	13,550,000
Park Land Trust Revolving Fund: For transfer to the natural resources real property replacement account, \$3,200,000 of the amount deposited into the park land trust revolving fund on January 6, 2000, plus all interest attributed to that amount that has accrued since deposit, up to \$3,300,000. Nothing in this section constitutes an authorization or ratification of the transaction that resulted in this deposit \$	3,300,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. A new section is added to chapter 41.05 RCW to read as follows:

(1) The uniform medical plan benefits administration account is created in the custody of the state treasurer. Moneys in the account shall be used exclusively for contracted expenditures for uniform medical plan claims administration, data analysis, utilization management, preferred provider administration, and activities related to benefits administration where the level of services provided pursuant to a contract fluctuate as a direct result of changes in uniform medical plan enrollment. Moneys in the account may also be used for administrative activities required to respond to new and unforeseen conditions that impact the uniform medical plan, but only when the authority and the office of financial management jointly agree that such activities must be initiated prior to the next legislative session.

(2) Receipts from amounts due from or on behalf of uniform medical plan enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures

under chapter 43.88 RCW, but no appropriation is required for expenditures. All proposals for allotment increases shall be provided to the house of representatives appropriations committee and to the senate ways and means committee at the same time as they are provided to the office of financial management.

(3) The uniform dental plan benefits administration account is created in the custody of the state treasurer. Moneys in the account shall be used exclusively for contracted expenditures related to benefits administration for the uniform dental plan as established under RCW 41.05.140. Receipts from amounts due from or on behalf of uniform dental plan enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 902. 1999 c 309 s 907 (uncodified) is amended to read as follows:

RETIREMENT CONTRIBUTION RATES. (1) The changes to the basic state and employer contribution rates adopted by the pension funding council for the 1999-2001 biennium shall be effective on the following dates:

(a) The changes to the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system, and to the basic employer contribution rate for the public employees' retirement system (~~(plan 1 and the Washington state patrol retirement system)~~) shall each take effect on July 1, 1999, and continue until April 30, 2000; and

(b) The change to the basic employer contribution rate for the teachers' retirement system (~~(plan 1)~~) shall take effect on September 1, 1999, and continue until April 30, 2000.

(2) The director of the department of retirement systems shall establish new contribution rates, to be effective July 1, 1999, for the public employees' retirement system plan 2 and the law enforcement officers' and fire fighters' retirement system plan 2. The new rates shall be established pursuant to RCW 41.40.650 and 41.26.450 respectively. The director of the department of retirement systems shall establish a new contribution rate, to be effective September 1, 1999, for the teachers' retirement system plan 2. The new rate shall be established pursuant to RCW 41.45.061.

(3) This section expires on (~~(June 30, 2001)~~) April 30, 2000.

NEW SECTION. Sec. 903. A new section is added to chapter 41.45 RCW to read as follows:

The change to the basic employer contribution rate for the Washington state patrol retirement system adopted by the pension funding council for the 1999-2001 biennium shall be effective July 1, 1999, through June 30, 2001.

Sec. 904. 1999 c 309 s 908 (uncodified) is amended to read as follows:

PUBLIC EMPLOYEES' RETIREMENT SYSTEM. For the period from July 1, 1999, through (~~(June 30, 2001)~~) April 30, 2000, in addition to the basic and supplemental employer contributions required by RCW 41.45.060 and 41.45.070, the department of retirement systems shall also charge all public employees' retirement system employers an additional employer contribution rate of 0.05 percent for all members of the public employees' retirement system.

This section expires on (~~(June 30, 2001)~~) April 30, 2000.

Sec. 905. RCW 41.45.060 and 2000 c 247 s 504 are each amended to read as follows:

(1) The state actuary shall provide actuarial valuation results based on the assumptions adopted under RCW 41.45.030.

(2) Not later than September 30, 1998, and every two years thereafter, consistent with the assumptions adopted under RCW 41.45.030, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system to be used in the ensuing biennial period; and

(c) A basic employer contribution rate for the school employees' retirement system for funding the public employees' retirement system plan 1.

For the 1999-2001 fiscal biennium, the rates adopted by the council shall be effective for the period designated in sections 902 and 903 of this act.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, the law enforcement officers' and fire fighters' retirement system plan 1, and the unfunded liability of the Washington state patrol retirement system not later than June 30, 2024, except as provided in subsection (5) of this section;

(b) To also continue to fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, and the law enforcement officers' and fire fighters' retirement system plan 2 in accordance with RCW 41.45.061, 41.45.--- (section 507, chapter 247, Laws of 2000), and this section; and

(c) For the law enforcement officers' and fire fighters' system plan 2 the rate charged to employers, except as provided in RCW 41.26.450, shall be thirty percent of the cost of the retirement system and the rate charged to the state shall be twenty percent of the cost of the retirement system.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 employer contribution rate.

(5) An amount equal to the amount of extraordinary investment gains as defined in RCW 41.31.020 shall be used to shorten the amortization period for the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted.

(7) The director of the department of retirement systems shall collect those rates adopted by the council.

NEW SECTION. Sec. 906. A new section is added to chapter 41.45 RCW to read as follows:

(1) The 1998 combined actuarial valuation studies conducted by the office of the state actuary determined the pension contribution rates necessary to meet the state's pension funding goals established by this chapter. The contribution rates in this section reflect the findings of the 1998 actuarial valuations, adjusted for a May 1, 2000, implementation date.

(2) Beginning May 1, 2000, the basic employer contribution rates shall be as follows:

(a) 3.58 percent for the public employees' retirement system;

(b) 6.03 percent for the teachers' retirement system; and

(c) 3.25 percent for the law enforcement officers' and fire fighters' retirement system plan 2.

(3) Beginning May 1, 2000, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system plan 2 shall be 2.16 percent.

(4) Beginning May 1, 2000, the member contribution rates shall be as follows:

(a) 1.54 percent for the public employees' retirement system plan 2;

(b) 1.85 percent for the teachers' retirement system plan 2; and

(c) 5.41 percent for the law enforcement officers' and fire fighters' retirement system plan 2.

(5) For the school employees' retirement system, the basic employer contribution rate shall be 3.58 percent and the plan 2 member contribution rate shall be 1.54 percent effective as of the establishment of the new retirement system on September 1, 2000.

(6) This section expires on June 30, 2001.

(7) The May 1, 2000, contribution rate changes provided in this section shall be implemented notwithstanding the thirty-day advanced notice provisions of RCW 41.26.450 and 41.40.650.

Sec. 907. RCW 41.26.080 and 1991 c 35 s 17 are each amended to read as follows:

(1) Except as set forth under subsection (2) of this section, the total liability of the plan 1 system shall be funded as follows:

~~((4))~~ (a) Every plan 1 member shall have deducted from each payroll a sum equal to six percent of his or her basic salary for each pay period.

~~((2))~~ (b) Every employer shall contribute monthly a sum equal to six percent of the basic salary of each plan 1 employee who is a member of this retirement system. The employer shall transmit the employee and employer contributions with a copy of the payroll to the retirement system monthly.

~~((3))~~ (c) The remaining liabilities of the plan 1 system shall be funded as provided in chapter 41.45 RCW.

~~((4))~~ (d) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his or her salary or compensation. Payment less said contributions shall be a complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except his or her claim to the benefits to which he or she may be entitled under the provisions of this chapter.

(2) No employer or member contribution is required after June 30, 2000, unless the most recent valuation study for law enforcement officers' and fire fighters' retirement system plan 1 indicates the plan has unfunded liabilities.

NEW SECTION. Sec. 908. It is the intent of the legislature that statutory guidelines for the payment of certain extraordinary nursing home and other medical expenses be adopted in the 2001 legislative session, taking into consideration the recommendations of the report required by section 909 of this act. It is also the intent of the legislature that such expenditures be authorized only if the actuarial valuation study of the law enforcement officers' and fire fighters' retirement system plan 1 assets and liabilities as of December 31, 1999, indicates that the system has not less than five hundred million dollars in surplus assets.

NEW SECTION. Sec. 909. The joint committee on pension policy shall provide for a study, through the office of the state actuary during the 2000 interim, of the options for providing partial funding of law enforcement officers' and fire fighters' retirement system plan 1 retiree medical expenses from the surplus assets of the law enforcement officers' and fire fighters' retirement system plan 1 fund. The study shall include a report by the office of the state actuary on local government liabilities, as required by the 1999-2001 operating budget, and a review of legal issues, federal tax compliance issues, variations in local government benefits and funding mechanisms, and other relevant issues.

In conducting the study, the joint committee shall solicit information and advice from representatives of organizations that represent employers and retirees of the law enforcement officers' and fire fighters' retirement system plan 1. The office of the state actuary may provide administrative support for the study.

The joint committee shall submit its report and recommendations to the legislature no later than December 15, 2000.

NEW SECTION. Sec. 910. A new section is added to 1999 c 309 (uncodified) to read as follows:

DONATIONS OF EMPLOYEE LEAVE. During the 1999-2001 fiscal biennium, an employee of the Washington state department of transportation may, consistent with the provisions of RCW 41.04.665(3), donate leave to the existing leave balances of an employee of the Washington state department of transportation who dies in the line of duty between February 1, 2000, and June 30, 2000. The value of the donated leave will be included in the deceased employee's final compensation, but is not compensation earnable for the purposes of chapter 41.40 RCW. The agency head shall determine the total amount of leave, not to exceed 261 days, that may be donated under this section. The Washington personnel resources board may adopt rules, in consultation with the office of financial management, as it deems necessary for the implementation of this temporary benefit.

Sec. 911. RCW 43.08.250 and 1999 c 309 s 915 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08

RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, 2001, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, department of ecology methamphetamine-related activities, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, and the replacement of the department of corrections' offender-based tracking system.

Sec. 912. RCW 70.105D.070 and 1999 c 309 s 923 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; and (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed \$200,000. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

Sec. 913. RCW 43.72.902 and 1995 c 43 s 12 are each amended to read as follows:

The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system shall consist of the state board of health, the state department of health, and local health departments and districts. During the 1999-01 biennium, moneys in the fund may also be used for costs associated with hepatitis C testing and treatment in correctional facilities.

Sec. 914. RCW 72.11.040 and 1999 c 309 s 921 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the 1999-2001 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community, and the replacement of the department of corrections' offender-based tracking system. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 915. RCW 76.12.110 and 1999 sp.s. c 13 s 18 are each amended to read as follows:

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by

the department, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands. For the 1999-2001 fiscal biennium, moneys from the account shall be distributed as directed in the omnibus appropriations act to the beneficiaries of the revenues derived from state forest lands. Funds that accrue to the state from such a distribution shall be deposited into the salmon recovery account. These funds shall be used for a grant program for cities and counties for the preservation and restoration of riparian, marine, and estuarine areas.

Sec. 916. RCW 50.22.--- and 2000 c 2 (SHB 3077) s 7 are each amended to read as follows:

The employment security department is authorized to pay training benefits under section 8 of this act, but may not obligate expenditures beyond the limits specified in this section or as otherwise set by the legislature. ~~((Beginning with expenditures))~~ For the fiscal year ending June 30, 2000, ~~((and including expenditures for the fiscal biennium))~~ the commissioner may not obligate more than twenty million dollars for training benefits. For the two fiscal years ending June 30, 2002, the commissioner may not obligate more than sixty million dollars for training benefits. Any funds not obligated in one fiscal year may be carried forward to the next fiscal year. For each fiscal year beginning after June 30, 2002, the commissioner may not obligate more than twenty million dollars annually in addition to any funds carried over from previous fiscal years. The department shall develop a process to ensure that expenditures do not exceed available funds and to prioritize access to funds when again available.

Sec. 917. RCW 69.50.520 and 1999 c 309 s 922 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the 1999-2001 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, the design, sitework, and construction of the special commitment center, the replacement of the department of corrections' offender-based tracking system, and for multijurisdictional narcotics task forces. After July 1, 2001, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

PART X CAPITAL APPROPRIATIONS

Sec. 1001. 1999 c 379 s 106 (uncodified) is amended to read as follows:
FOR THE OFFICE OF THE SECRETARY OF STATE
Eastern Branch Archives Building: Design (98-2-001)

The reappropriation in this section is provided solely for completion of the design phase for the eastern regional archives facility to be sited on the south campus of the Riverpoint higher education park in Spokane.

Reappropriation:
State Building Construction Account--State \$

	((48,645))
	<u>295,482</u>
Prior Biennia (Expenditures) \$	((530,972))
	<u>284,135</u>
Future Biennia (Projected Costs) \$	5,135,000

TOTAL \$	5,714,617

Sec. 1002. 1999 c 379 s 107 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Economic Revitalization (86-1-001) (00-2-001)

The reappropriation in this section from the public facilities construction loan revolving account is subject to the following conditions and limitations:

(1) The department shall ensure that all funds transferred from the public works assistance account into the public facilities construction loan revolving account during the 1997-99 biennium are used only for loans to local governments.

(2) The department shall also ensure that all principal and interest payments from these loans are paid into the public works assistance account.

(3) The new appropriation from the public facility construction loan revolving account shall be used solely to provide loans to eligible local governments and grants to the extent permitted by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

Reappropriation:

Public Works Assistance Account--State \$	1,539,515
Public Facility Construction Loan Revolving Account--State \$	9,500,000

Subtotal Reappropriation \$	((11,539,515))
	<u>11,039,515</u>

Appropriation:

Public Facility Construction Loan Revolving Account--State \$	((13,000,000))
	<u>6,641,000</u>
Prior Biennia (Expenditures) \$	559,003
Future Biennia (Projected Costs) \$	((36,000,000))

0

TOTAL \$

~~((60,598,518))~~

18,239,518

Sec. 1003. 1999 c 379 s 108 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
County Public Facility Construction (00-2-010)

The appropriations in this section shall be used solely for financial assistance to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial expansion of an existing business facility in the county. The entire appropriation from the state building construction account shall be provided as a grant to support the Grays Harbor water system project.

Appropriation:

Distressed County Facilities Construction Loan Account--State \$

((4,000,000))

2,619,000

State Building Construction Account--State \$

3,500,000

Subtotal Appropriation \$

((7,500,000))

6,119,000

Prior Biennia (Expenditures) \$

0

Future Biennia (Projected Costs) \$

((16,000,000))

0

TOTAL \$

((23,500,000))

6,119,000

Sec. 1004. 1999 c 379 s 110 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Public Works Trust Fund (94-2-001) (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,000,000 of the new appropriation in this section is provided solely for the preconstruction program as set forth in RCW 43.155.068.

(2) \$2,000,000 of the new appropriation in this section is for the emergency loan program as set forth in RCW 43.155.065.

(3) Not more than one percent of the new appropriation may be used for planning loans.

Reappropriation:

Public Works Assistance Account--State \$ 179,446,108

Appropriation:

Public Works Assistance Account--State \$ 203,150,000

Prior Biennia (Expenditures) \$ 68,904,717

Future Biennia (Projected Costs) \$ 852,600,000

TOTAL \$ -----
1,304,100,825

NEW SECTION. Sec. 1005. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Holly Park Education Center

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for education space in the Holly park housing development for South Seattle Community College; and

(2) The appropriation in this section must be matched by an equal amount from other sources.

Appropriation:

State Building Construction Account--State \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ -----
500,000

NEW SECTION. Sec. 1006. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Clark County Skills Center

The appropriation in this section must be matched by at least \$1,300,000 from other sources.

Appropriation:

State Building Construction Account--State \$ 350,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$	0

TOTAL \$	350,000

NEW SECTION. Sec. 1007. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Services Facilities Program

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of either the estimated total capital cost or actual total capital cost, whichever is less. The remaining portion of the project capital cost shall be a match from nonstate sources and may include cash, land value, and other in-kind contributions.

(2) Funds provided in this section shall be applied in the amounts and in the order of the list of projects approved and prioritized by the community services facility program advisory board.

Appropriation:

State Building Construction Account--State \$	953,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0

TOTAL \$	953,000

NEW SECTION. Sec. 1008. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building Renovation

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) \$2,000,000 of the appropriation in this section is provided for design of the interior rehabilitation and exterior preservation of the state legislative building consistent with the recommendations of the commission on legislative building preservation and renovation. Funds in this subsection are also provided for planning and development of relocation space for current and future construction projects related to the capitol historic district as well as access and site improvements to the south portico area.

(3) \$1,000,000 of the appropriation in this section is provided for associated studies including:

- (a) A private financing feasibility study;
- (b) An investigation of exterior sandstone attachment; and
- (c) A space use programming study to include:

(i) A prioritization of uses within the legislative building based on functional affiliation with the legislative process and the ceremonial functions of state-wide office holders that takes into consideration emerging telecommunication capabilities;

(ii) An analysis of space efficiency and space use related to legislative and state-wide ceremonial functions in the following buildings: Cherberg, O'Brien, Pritchard, Newhouse, the governor's mansion, and insurance;

(iii) A review of alternative uses and expansion capabilities for buildings on the capitol campus; and

(iv) By November 30, 2000, the department shall submit a report to the appropriate committees of the legislature on the recommendations of the space use programming study. These recommendations shall be the basis for the planning and development of relocation space for the capitol historic district as specified in subsection (2) of this section.

(4) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall develop criteria and guidelines for the space programming study.

(5) From the appropriation in this section, up to \$10,000 or an amount based on an appraised value may be expended to acquire a photo and document collection of historic significance that depicts legislative activities and facilities.

Appropriation:

Capitol Building Construction Account \$	3,000,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	102,500,000

TOTAL \$	105,500,000

Sec. 1009. 1999 c 379 s 928 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Yakima National Guard Armory and Readiness Center: Design and (~~utilities~~) construction (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

Funds expended on this project for off-site utility infrastructure, and facility construction and design, which may include the provision of electricity, natural gas service, water service, sewer service, or facility construction and design shall be for the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs.

Appropriation:

<u>General Fund--Federal \$</u>	<u>474,000</u>
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Reappropriation:

State Building Construction Account--State \$	2,725,000
General Fund--Federal \$	8,275,000

Subtotal Reappropriation \$	11,000,000
Prior Biennia (Expenditures) \$	2,573,000
Future Biennia (Projected Costs) \$	((3,288,000))
	<u>692,000</u>

TOTAL \$	((16,861,000))
	<u>14,739,000</u>

Sec. 1010. 1999 c 379 s 215 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Western State Hospital: Ward renovation phase 6 (94-1-316)

Reappropriation:

State Building Construction Account--State \$	((768,458))
	<u>82,800</u>
Prior Biennia (Expenditures) \$	((5,400,765))
	<u>12,088,480</u>
Future Biennia (Projected Costs) \$	0

TOTAL \$	((6,169,223))
	<u>12,171,280</u>

Sec. 1011. 1999 c 379 s 240 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Eastern State Hospital: Legal offender unit (98-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$	((6,297,315))
	<u>5,297,315</u>
Prior Biennia (Expenditures) \$	

Future Biennia (Projected Costs) \$	12,398,685
	0

TOTAL \$	((18,696,000))
	<u>17,696,000</u>

NEW SECTION. Sec. 1012. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Security Improvements at Western State Hospital (99-1-001)

The reappropriation in this section is provided solely for facility improvements that are required as a result of the passage of Senate Bill No. 6214.

Reappropriation:

State Building Construction Account--State \$	538,815
Prior Biennia (Expenditures) \$	115,185
Future Biennia (Projected Costs) \$	0

TOTAL \$	654,000

NEW SECTION. Sec. 1013. A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center: Phase I (00-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903, chapter 379, Laws of 1999.

(2) The appropriation in this section is provided for design, sitework, and construction costs associated with building the first 48-bed housing unit for the special commitment center located at McNeil Island. The department of social and health services shall notify the office of financial management and the legislative fiscal committees if there are changes to the scheduled March 2002 occupancy date.

(3) Within the funds provided in this section, the department of social and health services shall evaluate options and site locations for less restrictive alternative placements. The department of social and health services shall provide a report to the office of financial management and the legislative fiscal committees detailing the results of this evaluation, including statutory changes necessary to implement preferred options, by November 15, 2000.

Appropriation:

State Building Construction Account--State \$	14,000,000
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Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	50,000,000

TOTAL \$	64,000,000

Sec. 1014. 1999 c 379 s 252 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF HEALTH
 Drinking Water Assistance Program (97-2-001)

The reappropriation in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:	
Drinking Water Assistance Account--Federal \$	16,133,576
<u>Appropriation:</u>	
<u>Drinking Water Assistance Account--Federal \$</u>	<u>16,985,921</u>
Prior Biennia (Expenditures) \$	17,739,874
Future Biennia (Projected Costs) \$	34,000,000

TOTAL \$	((67,873,450))
	<u>84,859,371</u>

Sec. 1015. 1999 c 379 s 293 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS
 Local Government Criminal Justice Facilities (99-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the purpose of construction, developing, expanding, modifying, or improving local jails and other correctional facilities in accordance with the violent offender incarceration and truth-in-sentencing grant requirements.

(2) The department of corrections, in consultation with the Washington association of sheriffs and police chiefs, shall develop criteria for allocating moneys appropriated in this section to local governments.

(3) The general fund--federal appropriations made in this section and sections 266, 283, and 294, chapter 379, Laws of 1999 represent the state's total award from the federal violent offender incarceration and truth-in-sentencing grant expected during the 1999-2001 biennium. The department of corrections shall not expend more than the level provided in these sections without prior legislative appropriation.

Reappropriation:

General Fund--Federal \$	639,196
Appropriation:	
General Fund--Federal \$	((2,894,165))
	<u>3,506,165</u>
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0

TOTAL \$	((3,533,361))
	<u>4,145,361</u>

Sec. 1016. 1999 c 379 s 301 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Water Rights Purchase

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for a pilot project for the purchase of water rights under the trust water rights program under chapter 90.42 RCW, for the purpose of improving stream and river flows in fish critical basins. This appropriation shall only be used to acquire water rights in basins with current or proposed listings of salmon or steelhead under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) and where low flows have been identified as a limiting factor for salmon recovery. Priority for funding such purchases and leases shall take into consideration the following:

- (a) Proposals providing the greatest benefit for restoring and protecting fish;
- (b) Proposals providing benefits in addition to protecting fish critical streams and rivers;
- (c) Proposals that include funds from other sources;
- (d) Proposals showing a broad level of support among interested parties;
- (e) Proposals requiring the lowest administrative costs to implement; and
- (f) Proposals requiring the lowest overall cost within the context of the local marketplace.

(2) Up to \$500,000 of the appropriation in this section is provided for the purchase or lease of water rights in the Methow river water resource inventory area from willing sellers or lessors.

(3) On or before December 1, 2000, the department shall report to the governor and appropriate legislative committees on the progress in implementing the pilot program and recommendations for continuation of the program.

Appropriation:	
State Building Construction Account--State \$	1,000,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	24,000,000

TOTAL \$	25,000,000

Sec. 1017. 1999 c 379 s 303 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
 Referendum 38 Water Supply Facilities (74-2-006)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$ 6,004,436

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$ 4,100,000

State Drought Preparedness Account--State \$ ((6,800,000))

6,125,000

Subtotal Appropriation \$

((10,900,000))

10,225,000

Prior Biennia (Expenditures) \$

4,320,950

Future Biennia (Projected Costs) \$

0

TOTAL \$

((21,225,386))

20,550,386

Sec. 1018. 1999 c 379 s 305 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
 Referendum 39 Waste Disposal Facilities (82-2-005)

The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget

committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account (Waste Facilities 1980)--State \$	((6,113,126))
	<u>6,871,420</u>
Prior Biennia (Expenditures) \$	((12,293,785))
	<u>11,535,491</u>
Future Biennia (Projected Costs) \$	0

TOTAL \$	18,406,911

Sec. 1019. 1999 c 379 s 306 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Centennial Clean Water Fund (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$15,000,000 of the water quality account appropriation is provided for the extended grant payment to Metro/King county. The department shall, in cooperation with Metro/King county, document the eligible costs remaining for the extended grant payment, and submit a revised payment schedule to the governor and appropriate legislative committees by December 1, 1999.

(2) Up to \$10,000,000 of the water quality account appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$3,600,000 of the water quality account appropriation is provided for the construction of a wastewater treatment plant at the city of Connell.

(4) The entire public works assistance account appropriation is provided for water quality facility grants for communities with populations less than 5,000. \$900,000 of this amount is provided for the construction of a wastewater treatment plant at the city of Pateros. In allocating the remaining funds, the department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(5) The remaining appropriation in this section is provided for state-wide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(6) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not associated with contracted projects lapse on June 30, 1999. The office of financial management may grant waivers from this subsection for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and the senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and the senate ways and means committee by December 1, 1999, listing all projects funded from the reappropriation in this section.

(7) The department shall develop a policy to establish time limits for the distribution of funds for individual projects, and the method for determining when reappropriations will lapse. The policies

shall be incorporated into the budget submittal provided to the legislature and the office of financial management for the 2001-2003 budget.

Reappropriation:

Water Quality Account--State \$ 32,336,890

Appropriation:

Water Quality Account--State \$ 52,000,000

Public Works Assistance Account--State \$ ((10,000,000))

10,450,000

Subtotal Appropriation \$

((62,000,000))

62,450,000

Prior Biennia (Expenditures) \$

158,376,857

Future Biennia (Projected Costs) \$

140,000,000

TOTAL \$

((392,713,747))

393,163,747

Sec. 1020. 1999 c 379 s 308 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Fund (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--State \$ ((55,640,931))

28,810,479

Water Pollution Control Revolving Account--Federal \$

((34,914,688))

38,704,192

Subtotal Reappropriation \$

((90,555,619))

67,514,671

Appropriation:

Water Pollution Control Revolving Account--State \$

((32,375,833))

Water Pollution Control Revolving Account--Federal \$	52,854,981
	((46,830,366))
	48,147,555

Subtotal Appropriation \$	((79,206,199))
	101,002,536
Prior Biennia (Expenditures) \$	120,971,790
Future Biennia (Projected Costs) \$	320,207,299

TOTAL \$	((610,940,907))
	609,696,296

Sec. 1021. 1999 c 379 s 331 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington Wildlife and Recreation Program (98-2-003)

The appropriations in this section for the wildlife and recreation program under chapter 43.98A RCW and RCW 43.98A.040 are subject to the following condition and limitation:

(1) The new appropriations in this section are provided for the approved list of projects included in LEAP capital document No. 1999-W3, as developed on April 23, 1999, and LEAP capital document No. 2000 W-4, as developed on February 28, 2000.

(2) Any funding provided in this section for the Mt. Spokane - Quartz Mountain acquisition by the state parks and recreation commission shall not exceed fair market value as determined by an evaluation of three independent appraisals.

(3) The committee shall develop a policy to establish time limits for the award of funds for individual projects, the method for reallocating funds to alternate projects, and the method for determining when reappropriations will lapse. The policies shall be incorporated into the budget submittal provided to the legislature and the office of financial management for the 2001-2003 budget.

(4) The federal appropriation in this section (land and water conservation fund) shall be applied to projects included on the project lists approved in this section and in accordance with federal expenditure guidelines for the land and water conservation fund.

Reappropriation:

State Building Construction Account--State \$	6,475,416
Outdoor Recreation Account--State \$	23,733,311
Habitat Conservation Account--State \$	25,872,718

Subtotal Reappropriation \$	56,081,445

Appropriation:

Outdoor Recreation Account--State \$	23,000,000
<u>Outdoor Recreation Account--Federal \$</u>	<u>773,000</u>
Habitat Conservation Account--State \$	25,000,000

Subtotal Appropriation \$	((48,000,000))
	<u>48,773,000</u>
Prior Biennia (Expenditures) \$	213,018,555
Future Biennia (Projected Costs) \$	190,000,000

TOTAL \$	((507,100,000))
	<u>507,873,000</u>

Sec. 1022. 1999 c 379 s 335 (uncodified) is amended to read as follows:
FOR THE STATE CONSERVATION COMMISSION
Conservation Reserve Enhancement Program (00-2-004)

Reappropriation:

State Building Construction Account--State \$	5,000,000
((Appropriation-	
State Building Construction Account--State \$	5,000,000))
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	((10,000,000))
	<u>15,000,000</u>

TOTAL \$	20,000,000

Sec. 1023. 1999 c 379 s 337 (uncodified) is amended to read as follows:
FOR THE STATE CONSERVATION COMMISSION
Dairy Waste Management Grants Program (98-2-002)

The appropriations in this section are subject to the following conditions and limitations:
(1) ~~(((\$1,500,000))~~ \$4,000,000 of the appropriation is provided solely for a state-wide grant program to assist dairy operators in implementing dairy waste management systems; and

(2) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to provide technical assistance to dairy operators for development and implementation of dairy waste management plans.

Reappropriation:

Water Quality Account--State \$ 529,132

Appropriation:

Water Quality Account--State \$ 3,000,000

State Building Construction Account--State \$ 2,500,000

Subtotal Appropriation \$ 5,500,000

Prior Biennia (Expenditures) \$ 2,470,868

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ ((18,000,000))

20,500,000

Sec. 1024. 1999 c 379 s 348 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Emergency Repairs (98-1-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) The state building construction account appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

(2) The aquatic lands enhancement account appropriation is provided solely for repair of the Silver lake weir in Cowlitz county.

Reappropriation:

State Building Construction Account--State \$ 135,000

Appropriation:

State Building Construction Account--State \$ 700,000

Aquatic Lands Enhancement Account--State \$ 205,000

Subtotal Appropriation \$ 905,000

Prior Biennia (Expenditures) \$ 1,610,923

Future Biennia (Projected Costs) \$	2,300,000

TOTAL \$	((4,745,923))
	<u>4,950,923</u>

Sec. 1025. 1999 c 379 s 361 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Warm Water Game Fish Access Facilities (98-2-006)

Reappropriation:	
Warm Water Game Fish Account--State \$	210,000
Appropriation:	
Warm Water Game Fish Account--State \$	((600,000))
	<u>300,000</u>
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	2,080,000

TOTAL \$	((2,890,000))
	<u>2,590,000</u>

Sec. 1026. 1999 c 379 s 373 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
 Small Timber Landowner Program (00-5-001)

The appropriation in this section is subject to the following conditions and limitations:
 ((4)) This appropriation is provided solely to purchase ~~((or lease riparian and other sensitive aquatic areas from willing owners of small parcels of forest land.~~
 (2) ~~If federal grants for salmon recovery efforts are equal to or less than \$50,000,000 during the 1999-2001 fiscal biennium, then \$5,000,000 of the appropriation in this section may be expended. If federal grants for salmon recovery efforts during the 1999-2001 biennium exceed \$50,000,000, then the entire appropriation in this section may be expended.)~~ forest riparian easements, as defined in RCW 76.13.120(2)(a), to mitigate diminished economic viability, as described in RCW 76.13.100, from willing small forest landowners, as defined in RCW 76.13.100(2)(c).

Appropriation:	
((General Fund - Federal)) <u>State Building Construction Account</u> \$	((10,000,000))
	<u>2,500,000</u>
Prior Biennia (Expenditures) \$	

Future Biennia (Projected Costs) \$	0
	((0))
	<u>16,000,000</u>

TOTAL \$	((10,000,000))
	<u>18,500,000</u>

Sec. 1027. 1999 c 379 s 383 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
 Administrative Site Preservation (00-1-018)

Appropriation:

<u>Agricultural College Trust Management Account--State \$</u>	<u>51,400</u>
Forest Development Account--State \$	203,580
Resources Management Cost Account--State \$	((565,500))
	<u>514,100</u>
State Building Construction Account--State \$	361,920

Subtotal Appropriation \$	1,131,000
Prior Biennia (Expenditures) \$	938,000
Future Biennia (Projected Costs) \$	5,118,000

TOTAL \$	7,187,000

Sec. 1028. 1999 c 379 s 384 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
 Trust Land Transfer (00-2-001)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands.

No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring real property of equal value to be managed as common school trust land.

(3) Property subject to easement agreements under this section shall be appraised at fair market value both with and without the imposition of the easement. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) ~~((AH))~~ Up to \$1,000,000 of the appropriation in this section may be used for reasonable costs incurred by the department to implement this section ~~((are authorized to be paid out of this appropriation))~~. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list in subsection (8) of this section if, based on new, substantive information, it is determined that transfer of the property is not in the state-wide interest of either the common school trust or the receiving agency.

(8) The appropriation in this section is provided to execute transfers or easements for the list of properties identified in LEAP capital document No. ~~((99-3, as developed on April 8, 1999))~~ 2000 T-1, as developed on February 29, 2000, as follows: Projects in category A shall be transferred; to the extent that local funding is provided for the land value of the property, projects in category B shall be transferred; and projects in category C and remaining projects in category B may be transferred or leased as funding allows.

(9) The department shall execute trust land transfers and easements such that ~~((90))~~, subsequent to the deduction for administrative costs, 85 percent of the appropriation in this section is deposited in the common school construction fund. To achieve the ~~((90:10))~~ 85:15 ratio, the department may offset transfers of property with low timber-to-land ratios with easements on other properties.

(10) On June 30, 2001, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

Appropriation:

Natural Resources Real Property Replacement--State \$	6,200,000
State Building Construction Account--State \$	66,000,000

Subtotal Appropriation \$	72,200,000
Prior Biennia (Expenditures) \$	
Future Biennia (Projected Costs) \$	34,500,000

220,000,000

TOTAL \$

326,700,000

Sec. 1029. 1999 c 379 s 388 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Right-of-Way Acquisition (00-2-005)

Appropriation:

Agricultural College Trust Management Account--State \$

6,000

Forest Development Account--State \$

387,000

Resources Management Cost Account--State \$

~~((650,000))~~

644,000

Subtotal Appropriation \$

1,037,000

Prior Biennia (Expenditures) \$

1,392,000

Future Biennia (Projected Costs) \$

6,000,000

TOTAL \$

8,429,000

Sec. 1030. 1999 c 379 s 390 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor Works: Program (00-2-011)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Agricultural College Trust Management Account--State \$

35,000

Forest Development Account--State \$

136,600

Resources Management Cost Account--State \$

~~((379,500))~~

344,500

State Building Construction Account--State \$

242,900

Subtotal Appropriation \$

	759,000
Prior Biennia (Expenditures) \$	
	609,000
Future Biennia (Projected Costs) \$	
	5,580,000

TOTAL \$	6,948,000

Sec. 1031. 1999 c 379 s 931 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES
Aquatic Lands Enhancement Grants (00-2-014)

The appropriation in this section is provided for a list of projects in LEAP capital document No. ~~((1999 A1, as developed on April 23, 1999))~~ 2000-A1, as developed on February 15, 2000.

The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2001-03 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2000.

Reappropriation:

Aquatic Lands Enhancement Account--State \$	2,340,000
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Appropriation:

Aquatic Lands Enhancement Account--State \$	((5,550,000))
	<u>4,753,000</u>

Prior Biennia (Expenditures) \$	9,716,817
Future Biennia (Projected Costs) \$	((24,000,000))
	<u>20,000,000</u>

TOTAL \$	((41,606,817))
	<u>36,809,817</u>

Sec. 1032. 1999 c 379 s 502 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL
Seattle Crime Laboratory (00-2-008)

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under sections 902 and 903 of this act.

Reappropriation:		
State Building Construction Account--State \$		900,000
Appropriation:		
County Criminal Justice Assistance Account--State \$		650,000
<u>Death Investigations Account--State \$</u>		<u>2,500,000</u>
Municipal Criminal Justice Assistance Account--State \$		250,000
State Building Construction Account--State \$		9,100,000

Subtotal Appropriation \$		((10,000,000))
		<u>12,500,000</u>
Prior Biennia (Expenditures) \$		200,000
Future Biennia (Projected Costs) \$		0

TOTAL \$		((11,100,000))
		<u>13,600,000</u>

Sec. 1033. 1999 c 379 s 603 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
Common School Construction: Quality and value improvements (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(((\$9,800,000))~~ Up to \$4,800,000 of this appropriation is provided to implement chapter . . . (House Bill No. 1831), Laws of 1999. ~~((If the bill is not enacted by June 30, 1999, this appropriation shall lapse.))~~

(2) \$200,000 from this appropriation is provided to fund two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(3) On an annual basis, the state board shall report to the fiscal committees of the legislature and the office of financial management with a summary of the results of the value engineering studies and constructability reviews, and an evaluation of the use of building commissioning construction management services and fire marshal reviews.

Appropriation:		
Common School Construction Account--State \$		((10,000,000))
		<u>5,000,000</u>
Prior Biennia (Expenditures) \$		

	0
Future Biennia (Projected Costs) \$	40,000,000

TOTAL \$	((50,000,000))
	<u>45,000,000</u>

Sec. 1034. 1999 c 379 s 604 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
Public School Building Construction (98-2-001)(00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Up to \$6,491,519 of the new appropriation provided in this section may be provided for emergency repairs.

((a)) (b) Prior to the distribution of funds authorized by this subsection, the state board shall develop rules for school district eligibility to receive emergency grants and requirements for repayment of recovered costs. It is intended that these funds be provided to school districts only for emergency repairs due to accidents, natural disasters, fire, floods, vandalism, or similar events and only after all avenues of local funding have been exhausted.

((b)) (2) The state board shall report to the fiscal committees of the legislature and the office of financial management the amount and purpose of each grant provided to school districts.

((c)) (3) Any recoveries by the districts from insurance, litigation, or other sources for repairs and improvements funded from this appropriation shall be returned to the state in proportion to the state assistance as a share of total project cost.

((d)) (4) Total cash disbursed from the common school construction account may not exceed the available cash balance.

Reappropriation:

State Building Construction Account--State \$	1,993,556
Common School Construction Account--State \$	112,424,633

Subtotal Reappropriation \$	114,418,189

Appropriation:

Common School Construction Account--State \$	((315,081,000))
	<u>371,881,000</u>
Prior Biennia (Expenditures) \$	607,956,559
Future Biennia (Projected Costs) \$	1,390,582,000

TOTAL \$	((2,428,037,748))

Sec. 1035. 1999 c 379 s 605 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Program Management (98-1-001)

Funding is provided for up to five FTE regional coordinators. The coordinators shall have direct construction or architectural training and experience and be strategically located across the state. The coordinators shall assist local school districts with: State board of education rules relating to school construction and modernization projects, building condition analysis, development of state studies and surveys, architect/engineer and construction manager selection, value engineering, and constructability reviews during design, building commissioning, construction administration, maintenance issues, and data verification to allow equitable administration of the state board priority system.

Appropriation:

Common School Construction Account--State \$	1,619,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	7,644,000

TOTAL \$	9,263,000

NEW SECTION. **Sec. 1036.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
 Classroom Improvements and Minor Works (00-S-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

University of Washington Building Account--State \$	16,000,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0

TOTAL \$	16,000,000

Sec. 1037. 1999 c 379 s 613 (uncodified) is amended to read as follows:
FOR THE STATE SCHOOL FOR THE DEAF
 Clark Hall(~~(, HVAC)~~)/Lloyd: Upgrade (00-1-006)

Appropriation:

State Building Construction Account--State \$	((500,000))
	<u>1,400,000</u>
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	((1,275,000))
	<u>325,000</u>

TOTAL \$	((1,775,000))
	<u>1,725,000</u>

Sec. 1038. 1999 c 379 s 615 (uncodified) is amended to read as follows:
FOR THE STATE SCHOOL FOR THE DEAF
 ((~~Campus Wide~~) Clark Hall/Lloyd: Seismic stabilization (02-1-008))

Appropriation:

State Building Construction Account--State \$	((500,000))
	<u>1,400,000</u>
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	((500,000))
	<u>0</u>

TOTAL \$	((1,000,000))
	<u>1,400,000</u>

Sec. 1039. 1999 c 379 s 634 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
 Minor Works: Safety (98-1-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

(State Building Construction Account--State \$	2,500,000))
<u>University of Washington Building Account--State \$</u>	<u>2,671,684</u>

Prior Biennia (Expenditures) \$	((1,200,000))
	<u>1,028,316</u>
Future Biennia (Projected Costs) \$	0

TOTAL \$	3,700,000

Sec. 1040. 1999 c 379 s 641 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
Nuclear Reactor: Decommissioning (99-2-009)

Reappropriation:

State Building Construction Account--State \$	((750,000))
	<u>1,149,696</u>
Prior Biennia (Expenditures) \$	((450,000))
	<u>50,304</u>
Future Biennia (Projected Costs) \$	0

TOTAL \$	1,200,000

Sec. 1041. 1999 c 379 s 642 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
Tacoma Branch Campus: Phase III predesign (00-2-021)

The appropriation in this section is to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account--State \$	500,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	55,000,000

TOTAL \$	55,500,000

Sec. 1042. 1999 c 379 s 686 (uncodified) is amended to read as follows:
FOR WASHINGTON STATE UNIVERSITY
 WSU Spokane - Health Sciences Building (98-2-903)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.
- (2) No money from the reappropriation may be expended in a manner that is inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.
- (3) Design and construction of this building shall accommodate at least 240 additional full-time equivalent students on the Riverpoint campus.

Reappropriation:

State Building Construction Account--State \$	1,871,010
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Appropriation:

((Higher Education Construction Account--State)) <u>State Higher Education Construction Account--State \$</u>	36,300,000
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Prior Biennia (Expenditures) \$	814,365
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Future Biennia (Projected Costs) \$	0
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TOTAL \$	----- 38,985,375
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NEW SECTION. **Sec. 1043.** A new section is added to 1999 c 379 (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY
 Cheney Hall: Renovation (00-S-001)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. The appropriation in this section is subject to review and allotment procedures under sections 902 through 904, chapter 379, Laws of 1999. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before October 1, 2000.

Appropriation:

Eastern Washington University Capital Projects Account--State \$	300,000
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Prior Biennia (Expenditures) \$	0
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Future Biennia (Projected Costs) \$	12,950,000
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TOTAL \$	----- 13,250,000
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Sec. 1044. 1999 c 379 s 794 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Everett Community College - Instructional Technology Center: Construction (96-2-652)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$	((1,600,000))
	<u>1,873,000</u>
Prior Biennia (Expenditures) \$	((15,017,483))
	<u>14,744,483</u>
Future Biennia (Projected Costs) \$	0

TOTAL \$	16,617,483

Sec. 1045. 1999 c 379 s 905 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

The alternative finance authorizations granted in this section and in section 222(2)(j), chapter 309, Laws of 1999, do not imply commitments or guarantees that the legislature will provide for future expenses of properties and facilities acquired, constructed, or improved through financial contracts. The legislature will convene an interim workgroup to develop a policy for the use of alternative financing contracts and implications for future operating budget impacts. The office of financial management shall develop a standardized procedure for alternative financing contracts that incorporates the findings of the legislative workgroup, including a full assessment of all acquisition and operating costs, and proposed revenue sources for such expenditures. In the 2001-03 budget request from the governor, the office of financial management shall not forward to the legislature requests for alternative financing contracts that fail to fulfill the information requirements developed under this section.

(1) Department of general administration:

(a) Enter into a financing contract in the amount of \$9,435,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Yakima for use by state agencies.

(b) Enter into a financing contract in the amount of \$4,621,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and

associated land in Kelso for use by the department of social and health services and the employment security department.

(2) Department of corrections: Enter into a financing contract on behalf of the department of corrections in the amount of \$2,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

(3) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW:

(a) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct cabins at Cama beach.

(b) Enter into financing contracts on behalf of state parks and recreation in the amount of \$250,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to complete improvements at the interpretive center/store at Deception Pass.

(c) Enter into financing contracts on behalf of state parks and recreation in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install additional yurts and cabins state-wide.

(d) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a day use shelter at Lake Sammamish.

(e) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to improve campsite electrification state-wide.

(f) Enter into financing contracts on behalf of state parks and recreation in the amount of \$750,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop additional campsites state-wide.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College in the amount of \$1,526,150 plus financing expenses and reserves pursuant to chapter 39.94 RCW for remodel of the Lindbloom student center building.

(b) Enter into a financing contract on behalf of Highline Community College in the amount of \$2,070,613 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of the Federal Way Center, currently being leased by the college.

(c) Enter into a financial contract on behalf of Green River Community College in the amount of \$100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately 1.5 acres of land adjacent to the westside parking lot.

(d) Enter into a financing contract on behalf of Grays Harbor Community College in the amount of \$600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase and remodeling of the Riverview School and 2.83 acres of property, currently being leased by the college.

(e) Enter into a financing contract on behalf of Everett Community College in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the remodeling of the fitness center.

(f) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$1,697,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the existing student center.

(g) Enter into a financing contract on behalf of Spokane Community College in the amount of \$3,840,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing Lair student service building costing \$6,000,000. The balance of project cost will be cash from student and activity fees and enterprise funds.

(h) Enter into a financing contract on behalf of Big Bend Community College in the amount of \$150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the exchange of 10 acres of land with Grant county.

(i) Enter into a financing contract on behalf of Green River Community College in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for purchase and development of property in the downtown Kent area.

(j) Enter into a financing contract on behalf of Columbia Basin Community College in the amount of (~~(\$1,000,000)~~) \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot student services auditorium.

(k) Enter into a financing contract on behalf of Yakima Valley Community College in the amount of \$375,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 2,700 gross square foot addition and remodeling to the existing student union building costing \$1,400,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(l) Enter into a financing contract on behalf of Peninsula Community College in the amount of \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the student union building.

(m) Enter into a financing contract on behalf of Whatcom Community College in the amount of (~~(\$2,500,000)~~) \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing extended learning/work force facility costing \$4,388,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(n) Enter into a financial contract on behalf of Green River Community College in the amount of \$350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Lea Hill park from King county.

(o) Enter into a financial contract on behalf of Bellevue Community College in the amount of \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for replacement of the Robinswood school. This authority is provided in addition to the appropriation in section 761 of this act.

(p) Enter into a financial contract on behalf of Wenatchee Valley College in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(q) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$1,918,483 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of 10.71 acres of property for the completion of the Whatcom Community College campus.

(r) Enter into a financing contract on behalf of Edmonds Community College in the amount of (~~(\$3,700,000)~~) \$4,150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a music building on the college campus.

(s) Enter into a financing contract on behalf of Olympic College in the amount of \$900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of off-street student parking.

(t) Enter into a financing contract on behalf of Bates Technical College in the amount of \$4,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of a 9.41 acre site with an approximately 46,125 square foot broadcasting facility situated on 19th Street in Tacoma. It is the intent of the legislature that \$2,000,000 of this financing contract will be repaid from private donations.

(u) Enter into a financing contract on behalf of Renton Technical College in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter RCW 39.94 for the purchase of approximately 10 acres within the district boundary to support a future relocation of apprenticeship programs off the main campus.

(5) Central Washington University: Enter into a financing contract on behalf of Central Washington University in the amount of \$5,700,000 plus financing expenses and required reserves

pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.

(6) University of Washington:

(a) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance real property improvements to the Sand Point building.

(b) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance primate center tenant improvements.

(c) Enter into a financing contract on behalf of the University of Washington in the amount of \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Husky Den, the food service in the Husky Union building, and the renovation of McMahan Hall food service.

(d) Enter into a financing contract on behalf of the University of Washington in the amount of \$5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for installation of ethernet wiring and electrical upgrades in Lander Hall and McCarty Hall.

(7) Washington state convention and trade center: Enter into one or more financing contracts not exceeding an aggregate total amount of \$27,500,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW, for funding unanticipated costs in excess of the \$111,700,000 principal amount of the financing contract authorized in section 802(10)(b), chapter 16, Laws of 1995 2nd sp. sess., for the construction of the expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995. The balance of the expansion project funds shall be provided from interest earnings and public or private funds. The financing contract or contracts representing all or part of the amount authorized by this section shall not be executed without prior written approval of the office of financial management based upon its determination that such financing contract or contracts are reasonably necessary for the expansion project.

NEW SECTION. Sec. 1046. 1999 c 379 ss 610 and 611 (uncodified) are each repealed.

NEW SECTION. Sec. 1047. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1048. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Huff and H. Sommers spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff, H. Sommers, Alexander, Murray, McDonald, Romero, Talcott, Cody, Lambert, Conway, Carrell, Dunshee, Parlette and Lisk spoke in favor of passage of the bill.

Representative Kastama spoke against passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 2487.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2487, and the bill passed the House by the following vote: Yeas - 86, Nays - 12, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Keiser, Kenney, Kessler, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 86.

Voting nay: Representatives Campbell, Crouse, DeBolt, Ericksen, Esser, Fortunato, Kastama, Koster, Mielke, Santos, Schindler and Van Luven - 12.

Engrossed House Bill No. 2487, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2788, by Representatives Fisher, Mitchell, Radcliff, Scott and Hurst; by request of Transportation Improvement Board

Funding transportation projects.

Representative Fisher moved the adoption of the following amendment (709):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.26.500 and 1994 c 179 s 28 are each amended to read as follows:

In order to provide funds necessary to meet the urgent construction needs on state, county, and city transportation projects, there are hereby authorized for issuance general obligation bonds of the state of Washington in the sum of ~~((fifty))~~ one hundred million dollars, which shall be issued and sold in such amounts and at such times as determined to be necessary by the state transportation improvement board. The amount of such bonds issued and sold under the provisions of RCW 47.26.500 through 47.26.507 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of state, county, and city transportation projects. The issuance, sale, and retirement of the bonds shall be under the supervision and control of the state finance committee which, upon request being made by the board, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the board. ~~((The board shall report all bond sale requests to the commission.))"~~

Correct the title.

Representatives Fisher and Mitchell spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

Speaker Chopp stated the question before the House to be final passage of Engrossed House Bill No. 2788.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2788, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Engrossed House Bill No. 2788, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative H. Sommers asked fiscal staff members. both committee and caucus to come out on to the floor to be recognized by the Chamber for the hours of hard work they have given to the House to put together a budget that works.

POINT OF PERSONAL PRIVILEGE

Representative Huff reiterated Representative H. Sommers' comments and joined her in asking the Chamber to acknowledge the fine committee and caucus staff members. Representative Huff went on to thank the co-Speakers for their leadership and tireless efforts during the budget process.

MESSAGES FROM THE SENATE

April 27, 2000

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856,

SENATE BILL NO. 6876,

and the same are herewith transmitted.

Tony M. Cook, Secretary

April 27, 2000

Mr. Speaker:

The Senate has passed

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6499,
and the same is herewith transmitted.

Tony M. Cook, Secretary

April 27, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 3169,
and the same is herewith transmitted.

Tony M. Cook, Secretary

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

INTRODUCTIONS AND FIRST READING

E2SSB 6499 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Goings, Gardner and Patterson; by request of Governor Locke)

Funding transportation.

2E2SSB 6856 by Senate Committee on Transportation (originally sponsored by Senators Goings, Gardner, Haugen, Prentice and Jacobsen)

Revising transportation funding.

SB 6876 by Senators Loveland and Snyder

Transferring earnings from the emergency reserve fund to the multimodal transportation account.

There being no objection, the rules were suspended, and the bills listed on the day's introduction sheet under the fourth order of business were read the first time in full and advanced to Second Reading.

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

Speaker Chopp called upon Speaker Ballard to preside.

SECOND READING

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856, by Senate Committee on Transportation (originally sponsored by Senators Goings, Gardner, Haugen, Prentice and Jacobsen)

Revising transportation funding.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Second Engrossed Second Substitute Senate Bill No. 6856.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 6856 and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 1, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 87.

Voting nay: Representatives Boldt, B. Chandler, Esser, Fortunato, Koster, Lambert, Mielke, Pennington, Pflug and Van Luven - 10.

Absent: Representative Parlette - 1.

Second Engrossed Second Substitute Senate Bill No. 6856, having received the constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which Second Engrossed Second Substitute Senate Bill No. 6856 passed the House.

Speaker Ballard stated the question before the House to be final passage of Second Engrossed Second Substitute Senate Bill No. 6856, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 6856, on reconsideration and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Buck, Bush, Campbell, Carlson, Carrell, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Fisher, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott,

Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 87.

Voting nay: Representatives Boldt, Cairnes, B. Chandler, Esser, Fortunato, Koster, Lambert, Mielke, Pennington, Pflug and Van Luven - 11.

Second Engrossed Second Substitute Senate Bill No. 6856, on reconsideration, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Engrossed Second Substitute Senate Bill No. 6856.

TOM CAMPBELL, 2nd District

SENATE BILL NO. 6876, by Senators Loveland and Snyder

Transferring earnings from the emergency reserve fund to the multimodal transportation account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff and H. Sommers spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Senate Bill No. 6876.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6876 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Veloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 98.

Senate Bill No. 6876, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKERS

The Speakers signed:

ENGROSSED HOUSE BILL NO. 3169,

SPEAKER'S PRIVILEGE

Honoring Bettie Johnson

RESOLUTIONS

HOUSE RESOLUTION NO. 2000-4801, by Representatives Lambert, Dunshee, Cox, Wood, Constantine, O'Brien, Kastama, Tokuda, Lantz, Murray, McIntire, Cody, Conway, Regala, Van Luven, Esser, Pflug, B. Chandler, Mulliken, Schoesler, Parlette, G. Chandler, Talcott, Kenney, Delvin, Schindler, McDonald, Bush, Clements, Buck, Romero, Ballasiotes, Dickerson, Radcliff, Alexander, Sump, Barlean, Benson, Dunn, Anderson, Edwards, Linville, Fisher, Stensen, Miloscia, Edmonds, Wolfe, Huff, Mastin, Keiser, Wensman, Hatfield, Ruderman, Ballard, Boldt, Cairnes, Campbell, Carlson, Carrell, Chopp, Cooper, Crouse, DeBolt, Doumit, Eickmeyer, Ericksen, Fortunato, Gombosky, Grant, Haigh, Hankins, Hurst, Kagi, Kessler, Koster, Lisk, Lovick, McMorris, Mielke, Mitchell, Morris, Ogden, Pennington, Poulsen, Quall, Reardon, Rockefeller, Santos, D. Schmidt, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Sullivan, Thomas, Veloria and Woods

WHEREAS, It is the policy of the Washington state legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Brian Thomas has exhibited the epitome of excellence during his tenure as state representative for the citizens of the 5th Legislative District - south and east King County, including Issaquah, Maple Valley, North Bend, Preston, Renton, Snoqualmie, Twin Falls, and portions of unincorporated King County; and

WHEREAS, Brian Thomas was born and raised in Tacoma, Washington and has lived in the Lake Kathleen area of Renton, King County for thirty-five years; and

WHEREAS, Brian Thomas has been married for thirty-five years to the former Judy Adams of Seattle, and he and his wife, Judy, have three children - all graduates of Issaquah public schools; and

WHEREAS, Brian Thomas has a B.S. in Engineering from Oregon State University, an M.B.A. from Pacific Lutheran University, and attended the University of Washington Law School; and

WHEREAS, Brian Thomas is a retired Research Administrator and Principal Engineer for Puget Power in Bellevue, Washington where he received international recognition for his work on renewable energy; and

WHEREAS, Brian Thomas has served as Chair and as Co-chair of the House Finance Committee, a member of the Technology, Telecommunications and Energy Joint Select Committee on Education Restructuring, a member of the Economic and Revenue Forecast Council, Chair of the House School Construction Task Force, a member of the Advisory Council, Center for Technical Information - National Conference of State Legislatures (NCSL), President of the Issaquah School Board to which he was elected to in 1989, a member of the Advisory Board of the Oregon State University Electrical Engineering Department, President and member of the Board of Directors of the Preston Arboretum and Botanical Gardens, a member of the board of directors of Issaquah Valley Community Services, President and member of the Issaquah Rotary, a member of the Issaquah Cemetery Board, a member of the steering committee for the Goodwill Games Soviet Exchange, a past Chairman of the Rotary Student Foreign Exchange Summer Program of King County, a member of the Board of Advisors, National Renewable Energy Laboratory, Golden, Colorado, a member of the Committee on Generation Technology, Northwest Power Planning Council, Deputy Director of the Department of Transportation Emergency Organization, FEMA Region 10, Pacific Northwest, and a Captain in the Coast Guard Reserve; and

WHEREAS, Brian Thomas has been a leader in promoting tax relief and tax fairness for all the citizens of this state; and

WHEREAS, Brian Thomas has worked hard to create more efficient government, improve the quality of our schools, and protect the rights of property owners; and

WHEREAS, Brian Thomas is respected for his intelligence, his candor, his humor, his sincerity, and his determination;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor Brian Thomas for his years of dedicated commitment, his personal and professional

integrity, and his respect and admiration for the institutions and people that he worked so diligently for; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Brian Thomas.

House Resolution No. 2000-4801 was adopted.

HOUSE RESOLUTION NO. 2000-4802, by Representatives Benson, Barlean, Cairnes, Crouse, Delvin, Sump, G. Chandler, Schindler, McMorris, Carlson, Wood, Ogden, Cox, DeBolt, Ericksen, Woods, McDonald, Carrell, Buck, Ballard, Mielke, Clements, Mulliken, Skinner, Ballasiotes, Parlette, Alexander, Talcott, Thomas, Boldt, Anderson, Bush, Campbell, B. Chandler, Chopp, Cody, Constantine, Conway, Cooper, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schoesler, Schual-Berke, Scott, D. Sommers, H. Sommers, Stensen, Sullivan, Tokuda, Van Luven, Voloria, Wensman and Wolfe

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Duane Sommers has exhibited true excellence during his tenure as State Representative for the citizens of the 6th Legislative District, made up of part of the City of Spokane, part of Spokane Valley, and the southwest portion of Spokane County including Moran Prairie, the northern portion of the West Plains and a portion of the City of Airway Heights; and

WHEREAS, Duane Sommers was born and raised in Spokane, Washington where he has lived all his adult life; and

WHEREAS, Duane Sommers and his wife, Mae, have four adult children and ten grandchildren; and

WHEREAS, Duane Sommers has a B.S. in Microbiology and Public Health from Washington State University, and a M.P.H. in Public Health from the University of Minnesota; and

WHEREAS, Duane Sommers is owner/manager of Planning Associates, Inc., a consulting firm; and

WHEREAS, Duane Sommers has served as former Chairman of the Spokane County Republican Party, member of the Spokane Area Chamber of Commerce, past President of the Washington State Public Health Association, former Regent of Northwest Christian Schools, member of the Downtown Spokane Rotary Club, Chairman of Life Skills Education Center in Spokane, and as a former Lt. Col. in the United States Army Reserve; and

WHEREAS, Duane Sommers served as State Representative from the 6th Legislative District from 1987-93, as Assistant Minority Whip 1989-91, as Assistant Minority Floor Leader 1991-93, and was appointed State Representative from the 6th District in 1995, and reelected in 1996 and 1998, served as former Chairman of the Legislative Ethics Committee, Cochair of the Children and Family Services Committee, and as a member of the Economic Development, Housing and Trade Executive Committee, the Joint Committee on Pension Policy, and the Capitol Campus Design Advisory Committee; and

WHEREAS, Duane Sommers is respected for his sincerity, his honesty, his kindness, and his friendship;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor Duane Sommers for his years of dedicated service, his personal and professional integrity, and his faithfulness to the principles and ideals that he worked so diligently for; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Duane Sommers.

House Resolution No. 2000-4802 was adopted.

HOUSE RESOLUTION NO. 2000-4804, by Representatives Ballard, Lisk, Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Chopp, Clements, Cody, Constantine, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Poulsen, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, D. Schmidt, Schindler, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood and Woods

WHEREAS, It is the policy of the House of Representatives to recognize excellence in all fields of endeavor; and

WHEREAS, Tom Huff has honorably served the people of his community, his Legislative District, and the state of Washington with extraordinary excellence; and

WHEREAS, Tom Huff was born and raised on a farm in Mandan, North Dakota; and

WHEREAS, Tom Huff graduated from Sumner High School in Sumner, Washington, and attended the University of Puget Sound in Tacoma, Washington and Knapps Business College in Tacoma, Washington; and

WHEREAS, Tom Huff retired as an executive with Sears, Roebuck and Company beginning his forty-year career at the Tacoma Sears store and working his way up through local, regional, and headquarters executive positions; and

WHEREAS, Tom Huff served three terms in the Washington State House of Representatives as State Representative from the 26th Legislative District, serving Gig Harbor, Key Peninsula, Port Orchard, and portions of Bremerton and Tacoma, from 1995 through the present with his current term expiring in January 2001; and

WHEREAS, Tom Huff served as Chair and Co-Chair of the House Appropriations Committee and as a member of the House Office of Program Research Employment Committee, State Investment Board, Caseload Forecast Council, and Pension Funding Council; and

WHEREAS, Tom Huff has been active in numerous civic and business organizations throughout the state and country, including as President of the Minterbrook Water Company, President of the Minterbrook Homeowners Association, Treasurer of the Seattle Better Business Bureau, Member of the Gig Harbor Chamber of Commerce, Officer of the Pierce County Fair, Member of the Tacoma Elks, President of the Toastmasters Club, President of the South Sacramento Rotary Club, Member of the West Seattle and Lynnwood Rotary Clubs, Board Chairman of the Sacramento YMCA, President of the St. Madeleine Sophie Pastoral Council, Bellevue, Member of St. Nicholas Knights of Columbus, Member of St. Nicholas Parish, Chair of the Association of Washington Business's Washington Retail Council, and Chair and Legislative Liaison of the Washington Retail Association; and

WHEREAS, Tom Huff has received many honors and recognitions over the years, including the 1997 National Retail Federation's Legislator of the Year Award, the 1997 Washington State Dental Association Distinguished Legislator Award, and the 1995 Washington State Federation of Clubs Legislator of the Year Award; and

WHEREAS, Tom Huff and his wife, Mary Ann, live in the Gig Harbor area, have been married forty-four years, and have four adult children and four grandchildren; and

WHEREAS, Tom Huff has sacrificially served throughout his long and distinguished private and public careers as an outstanding role model for his colleagues, coworkers, and community;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor Tom Huff for his years of dedicated commitment, his personal and professional integrity, and his respect and admiration for the institutions that he worked so diligently for; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Tom Huff.

House Resolution No. 2000-4804 was adopted.

SPEAKER'S PRIVILEGE

Honoring Brian Thomas

Honoring Duane Sommers

Honoring Tom Huff

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6499, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Goings, Gardner and Patterson; by request of Governor Locke)

Funding transportation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher, Mitchell, Cooper and DeBolt spoke in favor of passage of the bill.

Speaker Ballard stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 6499.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6499 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carlson, Carrell, B. Chandler, G. Chandler, Clements, Cody, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edmonds, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fortunato, Gombosky, Grant, Haigh, Hankins, Hatfield, Huff, Hurst, Kagi, Kastama, Keiser, Kenney, Kessler, Koster, Lambert, Lantz, Linville, Lisk, Lovick, Mastin, McDonald, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Parlette, Pennington, Pflug, Quall, Radcliff, Reardon, Regala, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Scott, Skinner, D. Sommers, H. Sommers, Stensen, Sullivan, Sump, Talcott, Thomas, Tokuda, Van Luven, Voloria, Wensman, Wolfe, Wood, Woods, Mr. Speaker Ballard and Mr. Speaker Chopp - 96.

Voting nay: Representatives Constantine and Poulsen - 2.

Engrossed Second Substitute Senate Bill No. 6499, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 27, 2000

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 2487,

and the same is herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKERS

The Speakers signed:

ENGROSSED HOUSE BILL NO. 2487,

RESOLUTION

HOUSE RESOLUTION NO. 2000-4796, by Representatives Fisher and Regala

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Lorraine Wojahn began a distinguished and unselfish career in public service with the Washington State House of Representatives in 1968, and is about to complete her sixth term in the Washington State Senate representing the 27th Legislative District; and

WHEREAS, President Pro Tempore Wojahn is currently the most senior member of the Washington State Legislature, having served nearly 32 years; and

WHEREAS, Lorraine often spoke loudest for those least able to speak for themselves, especially the poor, the troubled, and the disabled; and

WHEREAS, Her vigorous advocacy on behalf of these individuals before her colleagues in the Legislature was a hallmark of her long career in public service; and

WHEREAS, Lorraine was relentless in her support of issues affecting the lives of women and was instrumental in the passage of the Equal Rights Amendment, as well as additional measures allowing women to obtain credit on their own and giving displaced homemakers and their children a chance to start a new life; and

WHEREAS, Lorraine championed efforts to curb domestic violence as a member of the Pierce County Commission Against Domestic Violence and was honored by the commission in 1999 with special recognition for her dedication and courage; and

WHEREAS, Lorraine was the first woman and nonattorney appointed to the Washington State Judicial Council; and

WHEREAS, Lorraine gained state financial support of the Pantages Center for the Performing Arts, the Washington State History Museum, and the University of Washington Campus in Tacoma, which benefit citizens in Pierce County and beyond, striving to make the community a better place to live and work; and

WHEREAS, Lorraine worked to protect public health, as evidenced by her sponsorship of the bill that created the Department of Health and her unflagging determination to raise public awareness of preventable health threats;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives extend its best wishes to Lorraine Wojahn on a job faithfully well done and wish her the best in her well-deserved retirement; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Co-Chief Clerks of the House of Representatives to Senator Lorraine Wojahn.

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

House Resolution No. 2000-4796 was adopted.

MESSAGES FROM THE SENATE

April 27, 2000

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

ENGROSSED HOUSE BILL NO. 2788,

Tony M. Cook, Secretary

April 27, 2000

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

ENGROSSED HOUSE BILL NO. 2487,

Tony M. Cook, Secretary

April 27, 2000

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

ENGROSSED HOUSE BILL NO. 3169,

Tony M. Cook, Secretary

SIGNED BY THE SPEAKERS

The Speakers signed:

ENGROSSED HOUSE BILL NO. 2788,

MESSAGE FROM THE SENATE

April 27, 2000

Mr. Speaker:

The President has signed:

and the same are herewith transmitted.

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856,

SENATE BILL NO. 6876,

Tony M. Cook, Secretary

SIGNED BY THE SPEAKERS

The Speakers signed:

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6856,

SENATE BILL NO. 6876,

MESSAGES FROM THE SENATE

April 27, 2000

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 2788,

and the same is herewith transmitted.

Tony M. Cook, Secretary

April 27, 2000

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6499,

and the same is herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKERS

The Speakers signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6499,

MESSAGE FROM THE SENATE

April 27, 2000

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8433,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the rules were suspended and Senate Concurrent Resolution No. 8433 was read the first time in full and placed on Second Reading.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8433 by Senator Snyder

Adjourning Sine Die.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

There being no objection, Senate Concurrent Resolution No. 8433 was adopted.

MESSAGE FROM THE SENATE

April 27, 2000

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8433,
and the same is herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKERS

The Speakers signed:

SENATE CONCURRENT RESOLUTION NO. 8433,

On motion of Representative Kessler, Reading of the Journal of the 4th Legislative Day of the Second Special Session was dispensed with and it was ordered to stand approved.

On motion of Representative Kessler, the House of Representatives adjourned SINE DIE.

TIMOTHY A. MARTIN, Chief Clerk CLYDE BALLARD, Speaker
CYNTHIA ZEHNDER, Chief Clerk FRANK CHOPP, Speaker

FOURTH DAY — SECOND SPECIAL LEGISLATIVE SESSION, APRIL 27, 2000

JOURNAL OF THE HOUSE
